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Translanguaging immigration law: A legal advice drop-in service

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Abstract
In the Law phase of the Translanguaging and Translation (TLang) project as it took place in Leeds, we worked closely with an immigration lawyer, Lucy, who we observed and recorded in interaction with her clients at a free immigration law drop-in consultation service. The analysis in this report is informed by those interactions and by a series of interviews with Lucy herself and others around her. Our work took place at a pivotal moment, around the point in 2016 when voters in the United Kingdom elected to leave the European Union in the Brexit referendum. This event gave the content and tone of many of Lucy’s interactions with her clients a very particular flavour.

In this report we first situate the study within the socio-political, historical and legal landscape in which Lucy operates. Our central analytical sections focus (first) on identifying her communicative strategies as she engages with the clients who come to her for help; (second) on the notion of epistemic flattening, i.e. how the knowledge asymmetries characteristic of lawyer-client interaction are managed in Lucy’s consultations; and (third) on the role of Google Translate, used to support Lucy when she does not share a language with her clients.

We make a case, in this report, for considering Lucy’s interactions at the drop-in service as constituting a translanguaging space, an interactional space where voices are heard and audible, and where the communicative activity is oriented towards social justice. We argue that the communicative activity which we document and analyse in this translanguaging space is the very process by which Lucy supports new arrivals in their efforts to settle and belong. We conclude that organisations and individuals providing similar services to Lucy could usefully orient towards a translanguaging stance similar to that adopted by Lucy, as exemplified in particular by her strategy of epistemic flattening.
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Executive Summary
This paper reports on the Law phase of the *Translation and Translanguaging* (TLang) project, as it took place in the city of Leeds, and is the fourth and final such report. In the Law phase we worked closely with our Key Participant Lucy, an immigration lawyer who runs a free immigration law drop-in service at a community centre in Leeds. The research involved multiple observations at Lucy's workplace, documenting interactions between Lucy and her clients through detailed fieldnotes and audio-recording, carrying out interviews with Lucy, her colleagues and others supporting her work, and examining her social media activity. The analysis reported in this paper focuses mainly on the interactional detail of her encounters with clients, and findings relate principally to the advice that she gives clients, and how she does so.

In summary, the study finds that:

- Lucy has a wide range of distinct communicative strategies in her repertoire, which she deploys flexibly as she engages with the clients who come to her for help.
- *Epistemic flattening* is a key strategy. We identify and discuss epistemic flattening as it relates to the way Lucy manages and attempts to reduce the knowledge asymmetries which are characteristic of lawyer-client interaction in her consultations.
- Literacy and Lucy's specific situated literacy practices play a prominent role in the successful building of a legal case.
- A relatively recent digital technology, Google Translate, is used to support consultations when Lucy does not share a language with her clients. Our analysis, however, throws doubt on the success, accuracy and efficacy of Google Translate as used in legal interactions.

The study has a number of implications.

- We conclude that Lucy’s interactions at the drop-in service constitute a *translanguaging space*, an interactional space where voices are heard and audible, and where the communicative activity is oriented towards social justice.
- The communicative activity which we document and analyse in this translanguaging space is the very process by which Lucy supports new arrivals in their efforts to settle and belong.
- Organisations and individuals providing similar services to Lucy could usefully orient towards a translanguaging stance similar to that adopted by Lucy, as exemplified in particular by her strategy of epistemic flattening.
- In the period following the referendum to leave the EU, our study provides a useful insight into the decision-making processes of migrants to the UK and those who support them, at a crucial moment in recent British political history. This has relevance to policy-makers, as individuals’ futures are being shaped by the decisions they will take during Brexit negotiations.
1. Introduction to the Law phase

In the Law phase of the TLang project, as it took place in Leeds, we worked closely with our Key Participant (KP) Lucy, an immigration lawyer. Between 24 April and 28 July 2016 we observed and recorded Lucy in interaction with her clients at a free immigration law drop-in consultation service. The analysis in this report is informed by those interactions, by a series of interviews with Lucy herself and others around her, and by data from her social media activity. We also include an in-depth account of the social and political landscape at the time of our work. This took place at a pivotal moment: On 23 June 2016, during our fieldwork phase, voters in the United Kingdom elected to leave the European Union in the Brexit referendum. This event was foreshadowed in the data generated in the weeks before the vote, in Lucy’s interactions and in her interviews. It imbued the content and tone of many of Lucy’s interactions with her clients with a very particular flavour.

We follow this introduction by meeting Lucy and discussing her approach to developing a legal case, and in Section 3 we situate the study within the socio-political, historical and legal landscape in which Lucy operates. In Section 4 we sketch out our methodology, concentrating in this report on the data collection strategies in the settings where our work took place. Section 5 provides an account of Lucy’s clients in terms of their country of origin, linguistic resources, legal status, and reasons for consulting an immigration lawyer. Sections 6-8 present three analyses drawing upon interview data and audio and fieldnote records of interactions between Lucy and her clients. The first identifies and discusses her communicative strategies as she engages with the clients who come to her for help. The second develops the notion of epistemic flattening, how the knowledge asymmetries which are characteristic of lawyer-client interaction are managed in Lucy’s consultations. The third examines the role of a relatively recent digital technology, Google Translate, which Lucy uses to support her in her consultations when she does not share a language with her clients.

In the concluding section we make a case for considering Lucy’s interactions at the drop-in service to constitute a translanguaging space, an interactional space where voices are heard and audible, and where the communicative activity is oriented towards social justice.
2. Introducing Lucy and her work
Lucy is an immigration lawyer who works for a Leeds-based charity offering free legal advice to asylum seekers. Part of her job is office-based, but a significant amount of her time is spent doing outreach work at different locations in and around Leeds. One of the places where Lucy runs outreach sessions is City Mission Leeds1, a charity based in East Leeds offering a wide range of services to the local community. It was at City Mission that our observations took place over three months in spring and summer 2016. We introduce the charity in more detail in Section 4. We carried out an extensive interview with Lucy on 2 June 2016, and all quotations in this section are from that interview (LeeAudLaw_20160602_JS_001).

2.1 Becoming an immigration lawyer
Law was actually not Lucy's first choice when deciding what to study at University: before embarking on her Law degree, Lucy had begun studying music, but realized it would not work out for her as a career. In the second year of her Law studies, in 2009, she worked as a volunteer on a placement with Asylum Hope, the organisation she is currently working for in Leeds, a small charity helping asylum seekers who are not entitled to a legal support from the State. Before then, Lucy had not had a clear idea of the area of law in which she would like to specialize – she had considered intellectual property law – but was immediately drawn to the immigration law because of its complexity and diversity:

It just grabbed me from the first time I met an immigration client ... I was like this is what I want to do so ... we handle such a (.) a varied caseload it's it's never boring that's what I really like about it2

In 2011, Lucy moved from volunteering to working as a case manager in the same organization, and has been there ever since, with the exception of one year which she spent working at the Citizens Advice Bureau.

The choice to work in immigration meant that she had to obtain additional qualifications and become accredited by the Office of the Immigration Services Commissioner (OISC; see 3.3 below). As Lucy explained to us, the work of an immigration lawyer is different from a solicitor's or a barrister's in the way that it includes all the stages of a case. An immigration lawyer follows the entire case from preparing it to representing the client at the court. While a solicitor is entitled to take on an immigration case (under the auspices of the Solicitors Regulation Authority), the work of a solicitor and a barrister on an immigration case would split at the point where a case goes to court (though a solicitor might still advise and brief the barrister). Immigration lawyers are, however, limited by the nature of the cases they can deal with, and they cannot work with cases that do not fall into the immigration category.

Lucy loves her job and believes that law is much more creative than a lot of people think. She compares thinking through her arguments when representing a client in court to playing music: anticipation is key in legal argument, just as a musician has to read two bars ahead of playing. At the same time, she admits that her work can be very

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1 The names of Lucy's organisation and the centre where she runs her outreach sessions have been anonymised.
2 Transcription conventions appear as Appendix 1 of this report.
emotional as it involves representing people with little chance of success. Being a natural optimist, Lucy believes that even in the most desperate cases, ‘there is hope it’s just sometimes it’s buried so deep that people can’t see it’ and she even transmits this sense of hope to her clients. She needs to retain hope because of the effort needed to resolve some cases. As she says, ‘if they don’t have a lawyer who’s willing to dig for it they’re never gonna find it’.

2.2 Outreach work
Lucy spends some of her work time as a gender-based violence specialist, dealing with women facing issues such as Female Genital Mutilation or Domestic Abuse. In the rest of her time she works as an immigration caseworker, specializing in supporting refugees whose claim for asylum has been rejected and assisting them in the process of appealing against the decision in the instances when they are not entitled to free legal support from the state. This work includes representing her clients in court.

Lucy’s organization took the decision to support victims of FGM and DA as they regard them as being highly vulnerable due to insufficient support from the state or other organizations. These people may be difficult to identify because their fear of being questioned about their legal status prevents them from reporting offences. In order to find and support them, Lucy’s organization has set up outreach sessions in various locations, working in partnership with other charities. In the case of the immigration work, the outreach combines in itself the objective of providing free legal support to the whole local community as well as identifying the people that Lucy’s organization might take on board as clients, as Lucy explains below:

so the primary forefront of my mind is is making sure that any asylum client, anybody that could use Asylum Hope’s service find us (   ) but the secondary objective, and well it’s not really secondary, it’s just as important, is to make sure the community have got reliable immigration advice so even though that is technically being funded by Asylum Hope the actual remit of it is much wider

Lucy’s attitude towards her clients can be described as empathic and encouraging. Some of the clients are slightly anxious when coming to her – Lucy herself compares a visit to an immigration lawyer to a dentist: ‘it’s that anticipation of what she’s gonna say when they sit down’. One of the major differences between a session with Lucy and a consultation with a private lawyer is that Lucy’s service is free of charge, a fact that some of the clients, many of whom have been to several private lawyers before, find unusual. For Lucy, this means that she has time to listen to her clients without rushing them in a way a private lawyer paid per case might (though she is of course very busy, and cannot hope to give adequate time to everyone who wishes to see her at the drop-in service). Lucy told us that she had considered going into private sector at one point in her career, but what stopped her was the idea of charging people who were in desperate situations.

2.3 Building a case
Lucy’s work activities as an immigration lawyer depend heavily on (chirographic) literacy as a technology. Lucy, as she explains in the same interview, builds her legal arguments using pencil-and-paper, suggesting a tight relationship between thought and literacy for this particular immigration lawyer. She herself discusses this as she
describes how she builds a legal argument, stressing the importance of writing and specifically of writing with a pen rather than on a computer. She attributes this jokingly to her age, and to the fact that when she was at school ‘computers weren’t weren’t everything’.

Her use of the metaphor of building is prominent in her talk: as she says, ‘I’ve got to really build this thing, it doesn’t build electronically, it builds through a pen,’ so the argument itself becomes a ‘thing’, an object, something more concrete than an abstract argument. As she builds the case she begins with the idea that she has pieces of information, from what the client has told her, or about the country concerned, or about the law. Her challenge then is to make the argument, to convince the Home Office ‘that the way we view it is the way it should be viewed’. From there she does the pen-and-paper drafting, beginning with ‘bullet pointing’, then drawing a diagram and then drafting from these notes into arguments. At that point and not before, she will start to type up the notes.

She associates the pen-and-paper building of the argument with creativity: ‘I think that part of law is very creative’. She likens the creativity in developing a legal argument to music, noting the similarity in ‘thought processes’ and ‘creativeness’ between the two worlds. She adds: ‘I can only do it pen and paper creating rather than typing’, as if it is not possible to be creative in type. The similarity in the creative processes of music and the law extends beyond building a written argument to the process of oral argumentation in court, though even here she invokes literacy. As noted earlier, she is a musician, and as such, she anticipates what is to come: ‘when you play the y-you’re playing but you’re reading the music two bars ahead of maybe where your fingers are to keep one step ahead’. Similarly – or in fact identically – in court ‘I’m listening to what the other side is saying but in my head I’m wri- I’m mentally writing down arguments that are ahead of what they’ve said to cut them off’. To Lucy, music and legal argument operate in the same part of her brain. Generally she maintains that ‘law is a lot more creative than a lot of people think’.

Building an argument both in preparation for court and actually in court itself, are literacy practices, and at least to begin with, are not electronic or digital literacy practices. To reiterate, the creativity of developing an oral argument is, suggests Lucy, like the creativity in playing music, associated with the dynamic nature of the two processes and the need to anticipate. Even in spoken argument in court, this creativity is associated with literacy.

In Section 3 we broaden out to discuss the recent and current political context within which Lucy’s work is situated, then moving to a description of the asylum process which many of Lucy’s clients are engaged in.
3. Contextualising the ethnography

The legal consultations with Lucy and her clients which we observed in the Law phase of the TLang project in Leeds took place in summer 2016. This was a time when particular historical, social, political, and economic processes were converging to produce both the Brexit vote in June 2016 and the election of Donald Trump as President of the United States of America a few months later. Indeed those same processes played a large part in shaping the consultations we observed in their finer details as interactional events. In this section, we provide a short account of these processes, believing in the ‘scientific profit’ which comes from trying ‘to map out even roughly, with secondary data for lack of better information [...] the space whose constraints bear upon the point under consideration’ (Bourdieu 1992: 233), maintaining that ‘theories and studies which abstract phenomena from their networked relations [give] an untrue account’ (Adam 1995: 161).

We position our overview vis-à-vis neoliberalism, which we regard as representing, possibly, capitalism’s final triumph, and final disaster; how it has undermined democracy, how it has created grotesque inequalities within and between nations, and – central to this report – how, through its practices and ideologies, it has instigated vast movements of people across borders, raising immigration ‘to the top or very near the top of national concerns’ in the UK (Goodhart 2017: 118), Europe, and many countries around the world. We discuss forced migrants of various categories and the international and national laws which define them, endow them with rights, and impose obligations on the nation states which ‘host’ them. Following this, we look in some detail at the asylum process and practices in the UK. Though not all Lucy’s clients are asylum seekers, many are, and the raison d’être of her own organisation is to defend those people whose claims for asylum have failed and who lack the funds or recourse to state support to appeal on their own. We examine how the asylum system is legislated, how legislation is sensitive to political imperative and public opinion, and how the process is applied in practice. We then move closer to our specific area of concern, looking at the support available to migrants in the UK, institutional and non-institutional/third sector. We start though with the Brexit vote, which took place during our fieldwork phase, and the election soon afterwards of a controversial US President.

3.1 Divided nations

Brexit and the election of Donald Trump were, perhaps, ‘the two biggest protest votes in modern democratic history’ (Goodhart 2017: 1). But what were they protests against, exactly? The list is long, containing among other things: governments which are no longer perceived as representatives of their citizens but as agents of international institutions – and, indeed, debt collectors for banks; a highly unequal distribution of wealth and power and its concentration in the hands of an ever fewer unaccountable and self-interested few; and citizens’ feeling of being invisible and voiceless in the political decision-making process. Based on surveys and his own research, the political theorist David Goodhart believes that whilst all these things played a part, the two unexpected victories were ‘given a decisive tilt by unhappy white working class voters – motivated, it seems, more by cultural loss, related to immigration and ethnic change, than by economic calculation’ (2017: 2). Arguing that Brexit voters are ‘NOT the left behind’, Kaufman (2016) too cites culture and personality, not material circumstances, as the things which separate Leave and Remain voters:
This is not a class conflict so much as a values divide that cuts across lines of age, income, education and even party. ... As large-scale migration challenges the demographic sway of white majorities, the gap between whites who embrace change and those who resist it is emerging as the key political cleavage across the west. Compared to this cultural chasm, material differences between haves and have nots ... are much less important. From Trump to Hofer, Le Pen to Farage, the authoritarian-libertarian axis is taking over politics (Kaufman 2016)

Around 25% of the UK population, according to figures produced by Goodhart (2017), are the professional, ‘exam passing’ classes with cosmopolitan (i.e. portable) identities, who have prospered under neoliberalism. A further 25% are ‘in-betweeners’, while the remaining 50%, rooted in places and times which have passed them by, struggle to achieve in a new achievement-oriented society. For several years now, this group has agreed with the statement (or similar ones) put to them in surveys: ‘Britain has changed in recent times beyond recognition, it sometimes feels like a foreign country and this makes me feel uncomfortable’ (Goodhart 2017:2). For this group, change is loss (ibid: 118). Moreover, a large number of surveys show that the values which unite individuals more resistant to change are those most undermined by neoliberalism – social conservatism, communitarianism, and ‘moderate nationalism’, though this group also includes around 10% hard authoritarians and xenophobes, and some 7% racial supremacists. If, as Streeck observes, it is ‘hard for most people in financial markets to understand their own interests and identify their exploiters’ (2017: 20), then it is not surprising that the focus of the politics of culture and identity – which has replaced the politics of institutions—if critical, is on the immediate and the local, not the global. And looming large in the locally-rooted lives of many Brexiteers and Trump voters is the issue of immigration. If there was ‘a paramount reason for Britain’s shock vote to leave the EU’, Goodhart claims, it was the ‘seething discontent of a large slice of public opinion created by twenty years of historically unprecedented migration’ and the ‘insouciant response’ of the political class to changes brought about by a policy that had never appeared in any election manifesto’ (2017: 118). Moreover, if the inward movement of people has played such a crucial role at a critical juncture in the UK’s history, it is imperative for us, in the context of a study of immigration legal practices, to understand the political and legal context of immigration, which we do next.

3.2 Immigration

After three decades of almost continuous economic growth from 1980 to 2010, and with the power of locally-based labour weakened and profit margins shrunk, capital of various kinds was released from the responsibility of providing any kind of employment-related social infrastructure. Enabled by new technologies of transportation and communication, it became ‘de-nationalised’, or globalised (Streeck 2016: 22).

The fastest sector to globalize was finance; but globalisation involves cross-border flows of many kinds, including trade, communication, ideas, pollution, media products, and people (Castles, de Haas & Miller 2014; Appadurai 1996) – though for many people, as interaction with Lucy demonstrates, mobility is far from fluid. But since neoliberal capitalism is in the business of maximizing profit, it not only exports factories to places where labour costs are low but also imports people from those places. International
immigration is a central pillar of globalisation. The fact that in neoliberal doctrine global migration is upheld as an expression of democracy, personal choice, and freedom of movement is, some believe, no more than ‘a ploy to create an industrial reserve army that exerts a downward pressure on salaries while simultaneously increasing corporate profits’ (Mishra 2017: 334). Neoliberal ideologues support migration and open borders in the name of personal liberty and human rights, knowing that it provides employers in the receiving countries with an unlimited labour supply, thereby destabilizing protective labour regimes. Ethnic diversity is welcomed, not only by the liberal middle class, but also by employers desiring pliant workers that are grateful for being allowed to be where they are, and ‘anxious to avoid deportation by becoming unemployed or engaging in militant activities’ (Streeck 2016: 26).

However, once the genie is out of the bottle it cannot go back in. In his book The Age of Anger: A History of the Present (2017) Pankaj Mishra describes how in 1989, with the fall of the Berlin Wall and the ‘final discrediting of the communist system’, the universal triumph of the twin forces of liberal capitalism and democracy seemed assured (2017: 6-7). A ‘democratic revolution of aspiration … swept across the world, sparking longings for wealth, status and power, in addition to ordinary desires for stability and contentment, in the most unpromising of circumstances’. Millions of young people around the world ‘awoke to their inheritance’ (ibid: 28) as the culture of individualism went universal. The intoxicating combination of ‘free markets and human rights appeared to be the right formula for the billions trying to overcome degrading poverty and political oppression (2017: 7). Sadly, as Arturo Escobar explains, instead of the abundance promised by the theorists, ‘the discourse and strategy of development produced its opposite: massive underdevelopment and impoverishment, untold exploitation and oppression’ (2012 [1995]: 4; see Mishra, 2017: 120). Desires had been lit, it seems, without any way of satisfying them. Resentment arose, ‘provoked by constant exposure to other people’s success and well-being’ (ibid: 337). In the past, one compared oneself to one’s neighbour. Now digital media not only enhanced this tendency, but allowed self-comparison with others—often fabulously more affluent others—on the far side of the world (ibid.: 338). Such comparison, associated with individual aspiration, along with dictatorial rule, corruption and mass unemployment, suggest Castles and colleagues, increases the potential for migration. (2104). Large-scale movements of people from damaged areas have already caused disruption in Africa and Asia, and – most notably in 2015 and since – in Europe (Mishra 2017: 28). As long as gross inequalities between rich and poor countries exist, large numbers of people will be impelled to move in search of better living standards. And political and ethnic conflict will continue to drive large scale migrations. (Castles et al 2014). Ironically, it is not the poorest, those untouched by development, who are impelled or able to move, since migration requires significant resources. Nor is it necessarily always those from the poorest countries.

The politicisation of migration
Large-scale immigration, claims Goodhart, is always and everywhere unpopular (2017: 118). In the 1970s and 1980s politicians of both Left and Right acted effectively to limit immigration from former Commonwealth countries in response to ‘democratic pressure’, with the result that by the late 80s net immigration in the UK was almost zero (Goodhart 2017: 124). In the new millennium, however, until 2008, renewed economic growth led to new employment opportunities; and at the same time, in 2004, ten new
member states gained access to the EU, including seven from the former Eastern Bloc. The UK, under a Labour government, was one of only three countries (the others being Ireland and Sweden) to open up its labour markets to these new EU citizens seven years before required to by European law. This stimulated major migration into the UK, principally of Poles and citizens of the Baltic Republics (Castles et al 2014). Over the next four years more than a million migrants entered the country. This ‘in-your-face globalisation’ was, according to Goodhart, one of the biggest steps on the road to Brexit (2017: 124); and immigration, as in the 1960s, 70s and 80s, had once again become politicised.

One reason why Labour lost the 2010 election, according to pollsters, was its perceived inability to control immigration (e.g. YouGov 2010). The Conservatives came to power (first in coalition with the Liberal Democrats) with a promise to ‘regain control’. This, in the neoliberal globalised age, was easier said than done as the government found itself caught between a majority of voters demanding reductions in immigration and powerful pressure groups invested in an economy heavily reliant on immigrant labour. Brexit notwithstanding, this issue is far from resolved. As Castles points out, ‘unauthorised’ migration ‘remains a concern almost everywhere’ because ‘it is difficult to open borders for movements of information, commodities and capital and yet close them to people’ (2000: 279). In particular, what has become clear is the difficulty involved in picking and choosing the kinds of migrants allowed access to nation states in a globalised world. That is, however much they would like to, it is hard for states and governments to welcome favoured migrants (tourists, students, highly-skilled workers, in-demand manual workers), while excluding disfavoured migrants (speculative manual workers, family members of immigrants, and asylum seekers).

Asylum seekers, refugees and human rights
When carrying out their work with asylum seekers, Lucy and lawyers like her will make reference to the 1951 UN Convention Relating to the Status of Refugees and the 1953 European Convention on Human Rights (ECHR), which are backed by the European Court of Human Rights. Among other things, the UN Convention builds on Article 14 of the Universal Declaration of Human Rights, which states that ‘Everyone has the right to seek and enjoy in other countries asylum from persecution’ (UN 1948). It also provides a legal definition of a refugee:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.  

(UN 1951)

Individuals seek to have their recognized rights under these Conventions respected, and many require the help of lawyers to do this. The Conventions represent some of the very few constraints on states’ sovereignty (Hansen 2014), limiting their discretion in devising migration policies. Specifically the UN Refugee Convention prohibits Contracting States from returning individuals to countries where they face a well-founded fear of persecution, referred to as the principle of non-refoulement. Since the United Kingdom is a party to the European Convention on Human Rights, it is also prohibited from sending individuals to countries where they face a real risk that their
Convention rights will be infringed. Thus, the UK is legally unable to send individuals to countries or regions where they face a risk of torture, or an infringement of their right to family life, protected by Articles 3 and 8 of the ECHR respectively.

In considering refugees and asylum seekers broadly we need to make some general points before we cast our necessarily narrow focus onto the situation in the UK and onto Lucy in Leeds. First, refugees represent only a small proportion of migrants. In 2015, according to the UN (2016), there were 244 million migrants worldwide, of whom just under 20 million (around 8%) were refugees. Second, the overwhelming majority of people displaced by conflict or persecution remain in the poorest regions of the world, either in their own countries, as internally displaced persons (IDPs), or in neighbouring countries, as refugees, recognized en masse by the UNHCR as such on a prima facie basis. Third, only a small proportion of ‘persons of concern’ to the UNHCR (of which there were 43 million in 2014) seek asylum from a foreign government, and only around half of these apply in the wealthy countries of the Global North (Mavroudi & Nagel 2016: 137-8). 1.2 million people sought asylum in Europe in 2016 (Eurostat 2017; Lyons & Duncan 2017), a large number, for sure, but a tiny proportion of the world’s migrants. Finally, in trying to untangle the issue of refugee rights and how they are recognised, undermined, or denied, we are in danger of overlooking, and therefore failing to address, the root causes of refugee problems. As Tariq Ramadan puts it, ‘Your enemy is not the refugee. Your enemy is the one who made him a refugee’ (2016, cited in Yemane 2016: 1).

**Nation states and threats to their borders**

One of the ways a state may mitigate the undesirable impact of human rights law is by ‘thickening’ its borders. Asylum seekers become refugees when they are recognised as such by states, and their rights – and the obligations of the state (non-refoulment, care of the individual, processing of claim) – are triggered when the asylum seeker reaches the border. These rights and obligations involve costs and further obligations to states. Thus they encourage states to devise and implement restrictions designed to prevent asylum seekers reaching their border (Hansen 2014). As the Guardian reported of the refugee camp at Sangatte, near Calais: ‘Eurotunnel claimed it stopped some 18,500 refugees trying to smuggle themselves into Britain in the first half of last year alone’ (2002). Positioning individuals outside a state’s borders likewise positions them outside its laws. We can, therefore, ‘think about states illegalizing asylum seekers and forcing them into certain channels of entry that put them at risk of detention and deportation’ (Mavroudi & Nagel 2016: 144), as well as at risk of physical harm.

Another form this stratagem takes is to contain the ‘asylum problem’ in other parts of the world. States do this by gaining poorer countries’ cooperation in holding, or intercepting and detaining, potential asylum seekers within their own borders (Mavroudi & Nagel 2016; Gibney 2008). Asylum is not a discrete issue but one caught up in the interplay of domestic politics and international relations, as various dubious deals with authoritarian regimes in, for example, Turkey, Eritrea, Sudan, and Libya, show. By linking overseas aid to asylum policing, and through its membership of the EU and its influence on other agencies such as the UNHCR, the UK, engages in ‘migration rentierism’, grooming countries with some of the worst human rights records as its agents in the containment and return of migrants – and, coincidentally, furthering its own geopolitical interests – through the persuasive power of unconditional
‘development’ aid (Yemane 2016). These kinds of policies look set to continue, as the 2017 Conservative election manifesto makes clear, announcing the Government will offer asylum and refuge ‘to people in parts of the world affected by conflict and oppression, rather than to those who have made it to Britain’. Theresa May said she ‘supported a change in the international definition of what counts as a refugee’ and claimed that ‘some refugees are more deserving than others so narrowing the scope of people allowed would allow help to be more targeted’ (Osborne 2017).

‘Genuine’ and ‘economic’ migrants
A second way states find to limit the granting of asylum is by elaborating the distinction between ‘genuine’ asylum seekers and ‘economic migrants’. Many experts in the field of migration studies believe that existing definitions of different categories of migrant are deeply problematic, being ‘the result of state policies, introduced in response to political and economic goals and public attitudes’ (Castles 2000: 270). In particular, the distinction between ‘forced’ migrants (asylum seekers, refugees, and people displaced by environmental catastrophes or development projects) and other groups of vulnerable migrants is increasingly difficult to maintain. As Mavroudi & Nagel put it:

> In the real world there is no clear dividing line between ‘voluntary’ and ‘involuntary’ migrations, or between economic and political migrations. Many economic migrations involve some element of compulsion [...] By the same token, many of those fleeing political instability and violence may also be in search of economic opportunity and may choose their destinations accordingly. (Mavroudi & Nagel 2016: 119)

In short, when the complexity of causes is understood, all migrations are seen to result from some combination of economic and political factors.

Nevertheless, states, including the UK, maintain intricate and expensive systems designed to categorise migrants and to discriminate between ‘genuine’ asylum seekers and ‘economic migrants’ with the purpose of limiting the number of successful claims. Whether the reason for this lies in the actual numbers of applicants or potential applicants and their associated impact, financial and social, or whether it lies in public perception of numbers and electoral response is an interesting question. According to Mishra, an unprecedented sixty million people in Latin America, Africa, and Asia currently find themselves homeless as a result of war or persecution, many of whom, driven by desperation, undertake risky journeys to what they see as the centres of successful modernity (2017: 328). Clearly, these centres include the countries of Europe, which after nearly two decades of imposing restrictions on labour migration, have recently faced hundreds of thousands of asylum applications (Mavroudi & Nagel 2016: 126). As for the UK, in 1984 asylum applications (including dependants) stood at 4,200, rising to 71,100 in 1999. In 2002 they peaked at 103,100, then fell to 39,968 in 2015, and again to 38,517 in 2016, though a further 4,369 people were granted humanitarian protection under the Syrian Vulnerable Persons Resettlement Scheme in 2016 (Mavroudi & Nagel 2016; ONS 2017).

In 2015, including appeals, 43% of asylum-claiming applicants gained leave to remain in the UK either as refugees (39%) or through Humanitarian Protection or Discretionary Leave (4%). Asylum applicants and their dependents comprised an estimated 7% of net
migration in 2014, down from 44% in 2002 (Migration Observatory 2017). As these numbers show, although asylum applications in the UK rose through the 1990s and into the new millennium, they are less dramatic than is often believed. Nevertheless, throughout this time a sense of crisis has prevailed in Europe, fuelling sensationalist media reports and widespread perceptions that the continent is being overrun by fraudulent asylum seekers (Mavroudi & Nagel 2016; Pickering 2001; Koser 2001; Gabrielatos & Baker 2008). This concern may be seen as part of a broader anxiety about ‘free riding on the financial and emotional resources of modern citizenship’ (Goodhart, 2017: 121), felt especially among poorer people, who are particularly sensitive to ‘sponging’ or ‘scrounging’ (2017: 122; see also Fletcher 2008). Indeed, one 2004 poll found that 45% of respondents agreed that ‘other people’ seem to get unfair priority when it comes to public welfare and benefits, and when asked to define ‘other people’ were ‘most likely’ to name asylum seekers (Goodhart 2017: 122). In addition, there is little evidence to show that asylum seekers choose host countries with the idea of taking advantage of their welfare systems (Crawley 2010; Gilbert & Koser 2006; Refugee Council 2018). And whilst motives are difficult to assess, asylum seekers’ countries of origin do correspond with areas of major conflict (Sales 2002). Nevertheless, both public opinion (Wright 2014) and the political agenda (Robinson 1999) remain highly susceptible to the strong influence exerted by negative reporting in some mainstream media outlets. But what does seem clear is that Brexit brought about a legitimization of anti-immigrant feeling: the outcome of the referendum was interpreted by some as permission to express hatred towards foreigners through abuse and violence and racist hate crime (Burnett 2016). Some such violence took the form of linguistic xenophobia, symbolic linguistic violence involving abuse directed towards people heard speaking another language, or speaking with a ‘foreign’ accent.

3.3 The asylum process
In this section we outline the asylum process in the UK, before turning to how it operates in practice, and identifying the role of immigration lawyers such as Lucy. She operates in a legal environment where the government has mitigated the effects of human rights law by making the process of seeking asylum as uncongenial as possible, thus discouraging would-be refugees from crossing their borders. Seeking to shed its reputation as a ‘soft touch’, the UK began its reform of the asylum process with the Immigration and Asylum Act of 1999. This removed asylum seekers from the welfare system and placed them under the care of the National Asylum Support Service (NASS), where they received subsistence support but at a lower level than mainstream welfare provides (Mavroudi & Nagel 2016: 128). Instead of money, vouchers were dispensed, one effect of which was to publicly identify individuals as asylum seekers whenever they were used. Thanks to pressure from the refugee sector, this system has now been scrapped, though the level of benefit remains very low: the NASS support for an individual asylum seeker is currently £36.95 a week. The 1999 Act also denied asylum seekers the right to work. Then, in 2007 the Home Office introduced its New Asylum Model, aimed at fast-tracking asylum cases and resolving them within six months. It also ceased granting ‘indefinite leave to remain’ (permanent residence) to successful asylum applicants, requiring instead that cases be reviewed after five years, the options then being permanent residence or deportation.

As noted earlier, refugee status is defined by a piece of international law, 1951 United Nations Convention Relating to the Status of Refugees. This was drafted for different
times, an era of cold-war stand-offs, and is not reflective of contemporary issues that drive refugees to leave their homes (McFadyen 2012). Under the UN Refugee Convention individuals applying for refugee status can still claim that they fear persecution on the grounds of race, religion, nationality, membership of a particular social group or political ideology. Alternatively, they may claim to have other humanitarian or compelling reasons why they need to stay in the host country and that return to their country of origin would violate their human rights under the European Convention on Human Rights.

Generally, in the UK, asylum claims have to be made immediately on entering the UK, to the immigration officer at the port of entry or at the UK Border Agency office in Croydon after entry. In the latter case, the appointment is made with the Asylum Screening Unit by telephone. Once the process is set in motion, asylum seekers attend two interviews. The first one is the Screening Interview, which takes place in Croydon. Its purpose is to ask basic questions, for example about personal details and health, means of arrival in the UK, and so on. Claimants are asked why they have come into the UK and cannot return to their country of origin, but are not asked detailed questions about their asylum claim. Such questions are left until the Asylum Interview. In this longer interview, claimants are asked to provide a more detailed account of the reasons for their applications and to submit any additional supporting evidence such as medical records or media reports about relevant events in their country. It is vital that information provided by the claimant, whether at the Screening Interview, the Asylum Interview, or at any other time should be consistent and not contain contradictory evidence. Asylum seekers can also be subject to Language Analysis for the Determination of Origin interviews, where their talk (accent, dialect, lexical range) is subject to forensic analysis (Language and National Origin Group 2004). LADO interviews are also employed in the appeals process.

Applications are usually decided within six months. While their applications are being considered, claimants have permission to stay in the UK. They are also entitled to financial support (depending on their financial situation) and accommodation in a location decided by the Home Office. However, in 2012, in a change in policy with clear economic and political motives, the government took the accommodation of asylum seekers out of the hands of local councils and contracted it to three private companies, G4S, Serco, and Clearsprings. As a result, the majority of asylum seekers are now housed in some of the poorest areas and worst maintained housing in the UK, with more than five times as many living in the poorest third of the country as in the richest third, predominantly in the north of England and Wales, and Glasgow. The north-west houses 9,491 asylum seekers, 16 times the number accommodated by local authorities in the south-east (580). On average, local authorities with Labour-led councils house 11.6 asylum seekers per 10,000 population, compared to those with Conservative-led councils, which have 0.7 asylum seekers per 10,000 (Lyons & Duncan 2017). Rochdale has 1 per 200 population (Lyons 2017). Placing asylum seekers in the hands of ‘private, profit-driven companies with, at best, questionable track records’ (Scraton 2017), who ‘disperse’ their charges to areas of acute deprivation, where councils’ and communities’ resources are already over-stretched, is another tactic in the overall strategy of ‘stemming the flow’ of migrants to the UK.
Whilst awaiting their asylum decision, asylum seekers, in addition to financial support and accommodation, are entitled to legal aid. They are, however, no longer allowed to work during this period, except in cases when the decision process takes more than one year. And they must report regularly to the Home Office. In each case, asylum decisions are made by the Home Office ‘case owner’ based on considerations of the political and human rights situation in the country of origin, previous legal decisions on asylum (for example in cases from the same country), the information provided by the claimant, and his or her perceived credibility (STAR, n.d.).

If successful, the claimant will be granted one of the following permissions to stay (published in 2015 and current at the time of writing, January 2018):

- **Permission to stay as a refugee.** If the claimant has qualified for asylum, he or she will be given permission to stay in the UK for 5 years. This type of permission is also known as ‘leave to remain’. After 5 years, the claimant with refugee status can apply to settle in the UK. At this point they may be awarded ‘indefinite leave to remain’ or asked to leave the UK.

- **Permission to stay for humanitarian reasons.** This permission is granted to claimants who do not meet the requirements for refugee status but for whom it is deemed unsafe to return to their country of origin. After 5 years, the claimant with humanitarian protection can apply to settle in the UK (‘indefinite leave to remain’).

- **Permission to stay for other reasons.** Claimants who don’t qualify to stay as refugees or for humanitarian reasons may be granted permission to stay for a period of time dependant on their particular situation. These claimants may apply to extend their stay or to settle in the UK (‘indefinite leave to remain’) towards the end of their stay.

- **Discretionary leave.** This permission is intended to cover exceptional and compassionate circumstances and, as such, is be used sparingly. Discretionary Leave (DL) is granted outside the Immigration Rules in accordance with Home Office policy. It is not granted where a person qualifies for asylum or humanitarian protection or for family or private life reasons. It must be applied for from within the UK. DL cannot be applied for from abroad.

- **No reason to stay.** Claimants who are not granted permission to stay for any of the above reasons are asked to leave the UK. At this point, the claimant may appeal against the decision.

*(Home Office 2015)*

**The asylum process in action**

Whilst on paper the asylum process appears straightforward and reasonable, asylum seekers themselves, those like Lucy who work in the field, and researchers who have followed individual cases are generally agreed that it is both confusing and extremely stressful for applicants, and their supporters. The experience has been described as ‘the epitome of the “shattered world”’, a world which for many, sooner or later, ‘impacts on psychological as well as material and physical well-being’ (Migrant & Refugee Communities Forum & CVS Consultants 2002:11). It is a world of the unfamiliar and strange – people, systems, languages – in which the human-generated stress that led to migration is compounded by ‘current stress’ (Rijnders 2002, see Strijk et al. 2011) engendered by the loss of roots and loved ones, by new status ‘as a nobody’ ‘with
virtually no rights’ (Rijnders 2002: 51), by loneliness, non-belonging, discrimination, poor housing, limited financial means, a lack of purposeful activity, unfulfilled desires (to continue educational or professional careers), by daytime brooding and sleepless nights, and above all by ‘uncertainty about whether or not asylum will be granted and how the procedure is developing’ (Strijk, et al. 2011:53). This often protracted period of waiting for an asylum decision, endured in an atmosphere of uncertainty and helplessness, is an ever-present source of stress which has been likened to the ‘trauma of being a victim of organized repression’ (Fuller 1993:253). Clinical psychologists Knipscheer et al (2015) found that the severity of asylum seekers’ post-traumatic stress disorder (PTSD) and depression was ‘significantly associated with lack of refugee status and accumulation of traumatic events’ (2015: 178).

As Carol Bohmer (an academic lawyer) and Amy Shuman (an anthropologist) observe, ‘the political asylum process is designed not to actually ‘find facts’ but to use interrogation as a deterrent to admitting unworthy applicants’, to catch them out in inconsistencies and thereby throw doubt on their credibility (2007: 604). Responding to growing pressure to cut down on the number of successful claims, bureaucrats create a ‘culture of disbelief’ (2007: 605) against which Lucy and her clients must battle. From the outset, applicants are likely to be framed as ‘bogus’ economic migrants (ibid.) and the ‘pretence of judgement based on evidence’ flies in the face of common sense, since the conditions under which most asylum seekers leave their homes and travel to their destinations rule out the availability of documentary evidence. ‘In the absence of documents, officials insert other measures of credibility, especially challenges to the applicants’ stories’ (ibid: 622). Versed in the system, lawyers who act on behalf of applicants understand their roles as editors of their clients’ narratives, shaping them to fit the discursive criteria of the asylum system (ibid: 608). However, the bureaucrats ‘epistemologies of ignorance’ and their own national narratives prevent them from entertaining what they cannot imagine. Thus, ‘[w]here the national narrative competes with the applicant’s narrative, the national narrative prevails’ (ibid: 623). Bohmer and Shuman are not surprised, therefore, that applicants often fail to make their fragmented stories into credible accounts (ibid: 624) and they sum up the asylum process as a ‘Kafkaesque situation in which the bureaucracy takes on a life of its own’ (ibid: 625).

Support for asylum seekers
If migrants are accepted as asylum seekers then legal aid is provided for them, though funds, and thus consultations, are limited (and later we see how Lucy hints that the quality of some immigration lawyers is questionable). Moreover, many asylum seekers (and other categories of migrant) find themselves without legal representation, for a variety of reasons, and have to represent themselves. When institutions abdicate responsibility for citizens’ welfare, ‘the burden of organizing everyday life is moved from the macro- to the micro’ (Streeck 2016: 38). In a ‘post-societal society’ (ibid: 13), without system integration, social integration must carry the entire burden of structuration. Thus de-socialized capitalism, post 2008, ‘hinges on the improvised performances of structurally self-centred, socially disorganized and politically disempowered individuals’ (ibid: 41). However, some of these improvised performances take the form of social organisation springing from older and very different ideologies than that of neoliberalism, and are found in today’s migrant sector in the guise of charitable or non-governmental agencies. Such an organisation is the one Lucy provides legal services for, City Mission Leeds, which we introduce more fully in
Section 4 below. It is an organisation rooted in a pre-capitalist – indeed pre-Enlightenment – tradition which eschews self-interested individualism, materialistic consumption, and progress for progress’ sake, and promotes selfless service to the community, probity, and egalitarianism, and refuses to denigrate poverty or the poor.

The regulated immigration adviser

We turn in the next section to the methodology informing our study of Lucy and her interaction with clients. Lucy is a Level 3 provider of immigration services. It is, according to the Office of the Immigration Services Commissioner (OISC), ‘a criminal offence for a person to provide immigration advice or services in the UK unless their organisation is regulated by the Office of the Immigration Services Commissioner or is otherwise covered by the Immigration and Asylum Act 1999 (unless the person belongs to a legal body such as the General Council of the Bar, the Law Society of England and Wales, or the Chartered Institute of Legal Executives, etc.). Individuals satisfying OISC requirements for regulated immigration advisors are allowed to provide advice on ‘relevant matters’ defined in the Asylum Act as including:

a. a claim for asylum
b. an application for, or for the variation of:
   i. entry clearance or leave to enter or remain in the United Kingdom
   ii. an immigration employment document
c. unlawful entry into the United Kingdom
d. nationality and citizenship under the law of the United Kingdom
e. citizenship of the European Union
f. admission to member states under community law
g. residence in a member state in accordance with rights conferred by or under community law
h. removal or deportation from the United Kingdom
i. an application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997
j. an appeal against, or an application for judicial review in relation to any decision taken in connection with a matter referred to in paragraphs (a) to (i)

‘Immigration services’, on the other hand, are defined as ‘the making of representations, in connection with one or more relevant matters, on behalf of a particular individual either in:

- civil proceedings before a court, tribunal or adjudicator in the United Kingdom
- in correspondence with a Minister of the Crown or government department

Those seeking to provide advice and/or services must first prove their fitness (compliance with OISC regulatory schemes, a history of honesty, legal compliance, and financial probity) and competence. Competence involves demonstrating to the commissioner ‘the necessary knowledge and skills required to meet the needs of clients seeking immigration advice or services at a specified advice level and category.’ This can be achieved by passing an up-to-date training course in immigration law which covers the relevant areas of work.

The commissioner recognises three distinct advice levels of competence. The levels are:

- Level 1: basic immigration advice within the Immigration Rules
• Level 2: more complex casework, including applications outside the Immigration Rules
• Level 3: appeals

Lucy is qualified at Level 3, and is therefore qualified to supervise individuals preparing for or working at Levels 1 and 2. The focus of attention in this report is on Lucy as she actually gives advice in her sessions with drop-in clients. In the next section we outline our methodology, in particular as it relates to the collection of drop-in service data. Then we describe and discuss Lucy’s clients, as she interacted with them during our observations.
4. Methodology

4.1 Approach

As with the reports on earlier phases of the TLang project, this study of interaction and translanguaging practices in the context of a legal advice drop-in service in Leeds adopts linguistic ethnography as an approach. As discussed in previous Leeds case study reports (Baynham et al. 2015, 2016, 2017), linguistic ethnography stresses the importance of reflexivity, foregrounds issues of context, and highlights ‘the primacy of direct field experience in establishing interpretive validity’ (Maybin & Tusting 2011: 517). To quote from the first of the Leeds case study reports:

The ethnographic approach is characterised by participant observation over time, in-depth systematic data collection from various sources such as field notes, open-ended interviews and inductive analysis initiated during data collection, a focus on patterns in situated practice, and on the whole ecology of a particular setting. … A visual linguistic ethnography attends to the visual and spatial semiotic dimension of meaning, bringing in attention to physical positioning, the semiotic landscape and the written environment of the fieldwork sites.

(Baynham et al. 2015: 25)

This present report does not attend in detail to the visual semiotic dimension of interaction in the setting where the work took place, because – for reasons of anonymity and confidentiality – we did not systematically collect photographic data in this phase.

4.2 Analytical approach

The approach to analysis largely followed the pattern established in the earlier phases of the TLang case study in Leeds, with a focus in turn on fieldnotes, interview data and audio recordings. There are two distinctive differences between the data sets in the Law phase and those in the other three phases. First, by far the bulk of the audio data in the current phase was recorded in the workplace setting. It became clear during our work with Lucy that while she was happy for her workplace interactions to be recorded, observing and recording her in the social and personal spheres of her life was not practical, not least because her work commitments left her little time for a social life. Second, regarding those workplace recordings, they followed a very specific pattern. 49 separate audio recordings in the work-related environment, with a total length of 13 hours and 52 minutes, were taken by TLang researcher Jolana Hanusova (see 4.4 below). Each of these individual recordings corresponded to individual sessions that we observed with Lucy and her clients. These recordings were roughly transcribed by Jolana; as part of an initial overview analysis. The team identified five specific sessions to transcribe in detail, and worked with these transcriptions. In some cases we worked with freelance translators on sections of the data. The reflections of our translators are integrated into the analyses in Sections 7 and 8 below.

4.3 Setting

We turn now to where Lucy does her work. Active since 1844, City Mission Leeds is, according to its website, part of ‘an international Christian voluntary organisation dedicated, in the spirit of justice and charity, to tackling poverty and disadvantage in whatever form by providing practical assistance to those in need – irrespective of ideology, faith, ethnicity, age or gender’. In the absence of any government provision for
initial immigration advice (apart from asylum advice), City Mission has stepped in to fill the gap. Currently, City Mission draws on the services of a second charity providing support for asylum seekers in Leeds which is dedicated to providing free comprehensive immigration advice, though City Mission's plans to become an advice provider itself, registered through the Office of the Immigration Services Commissioner (OISC).

As an employee of this second charity, Lucy provides ‘outreach’ services at City Mission, saying of the need, ‘*We could do double the amount of drop-ins and never get through everybody*’ (LeeAudLaw_20160602_JS_001). This gap in services, which charities and other non-governmental agencies strive to fill, exists according to Lucy because of:

> The hostile environment that that migrants into the UK face in all categories. [This] isn’t just my asylum claims. It’s everybody. Most of the problems people fall into could be easily remedied ... [in the] first instance [if] they had free reliable immigration advice [or even] affordable immigration advice because there is no real regulation on the fees ... I’ve seen people charged £2000 to write a fresh claim for asylum and it’s three pages long, you know. I could have it written in my lunch break.

(LeeAudLaw_20160602_JS_001)

For the first half of the fieldwork, our observations took place in a small community centre in East Leeds, between Harehills and City Mission’s main centre. Mid-way through the observation period, Lucy moved offices to the main centre.

The outreach sessions run at City Mission are based on a well-established if complex partnership between not only City Mission and Lucy’s organization, but also between City Mission and Lucy as an individual. City Mission, as an organisation, saw a need for an immigration advice service for their clients (to complement their English language classes for refugees and other newcomers, and their debt counselling service). They originally contacted Lucy’s organization, with a view to providing the space for the drop-in sessions as well as the support from some of their staff, both voluntary and paid. Lucy’s organisation seconded Lucy and her colleague Jackie, immigration lawyers with qualifications accredited by the OISC, with Lucy being trained to the highest level, Level 3. The motivation for Lucy’s own organisation, Asylum Hope, to provide a drop-in service at City Mission was at least in part to enable it to identify specific clients who they could take on more fully, following up their cases and supporting them through the full legal process.

As Lucy’s involvement with City Mission deepened, so the relationship evolved. Some members of City Mission’s staff were interested in obtaining the Level 1 OISC qualification, and during our observation period we watched them being informally supervised by Lucy. One of these was Judy, the education manager at City Mission, who often assisted Lucy during the drop-in sessions. Training the City Mission staff to become qualified was a step towards registering the whole organization with the OISC: City Mission is now regulated by the OISC, which means that Lucy is able to do casework not only on behalf of her own organization, but can also support the casework that City Mission can lead on. This is beneficial for City Mission because – as noted above – Lucy’s organisation Asylum Hope is restricted in who it provides advice to: it only supports
those asylum seekers whose claim has been rejected and are attempting to appeal. At the time of our observations, Lucy was dedicating at least two hours of her own time per week to work on cases that came out at the City Mission drop-in sessions that she was not able to take on as an employee of her organization. City Mission on the other hand, wishes to provide advice in the weekly drop-in for anyone who needs it.

4.4 Researcher and participant roles at the drop-in sessions

We observed Lucy at 11 weekly drop-ins. Over the course of these 11 weekly sessions we were present at a total of 105 sessions with the clients, around nine or ten consultations per observational visit. Jolana Hanusova (JH, in this report) was present at all the observations, accompanied twice by James Simpson (JS) and once by Mike Baynham (MB) TLang PI Angela Creese was present on one occasion too. We refer to the observations by ‘session’ rather than by ‘client’, as sometimes the clients were accompanied by people who were also involved in their case or query, for example their family members: it was sometimes unclear who precisely the client was, in a particular session. After three weeks of observation we began recording the interactions, and have recordings and summary transcripts of 49 of the sessions. Of these, we identified five as exemplifying the emergent themes particularly well. These were then transcribed in detail, and became the focus of our analytical efforts during the period of the study.

The drop-in sessions at City Mission took place every Thursday morning. When we first started observing they were being temporarily hosted at the Hazlewood Hub, a small community centre located across the road from the main premises of City Mission, as the organisation was undergoing relocation. A number of people were involved in running the sessions. At the Hub, each client’s visit began in the waiting area, where they were welcomed by Hilda, a City Mission volunteer. Hilda took down their basic details (name, nationality) as well as the nature of their query. She then called them to be seen by one of the advisors sat in the main room – a large room with several tables. The spatial arrangement was different after the drop-in sessions were moved from the Hub to the newly restored City Mission building (around half way through period during which we were carrying out observations), where each advisor had their own room. Although this arrangement put limitations on the interaction between the advisors, it was generally perceived as better as it provided more privacy for the clients, some of whom had sensitive issues to discuss. Jolana reports this exchange with one of the City Mission staff in her fieldnotes for the first session at the new centre (LeeLawFn_20160721_JH_010): JH: it’s going to be very different! At the Hub, you could just give somebody a shout when you needed something, now you will be isolated. D: yes but I prefer things this way, the clients will have more privacy.

The average number of sessions per day we observed was nine or ten, as mentioned above. However, we did not observe Lucy during her entire working time. Jolana usually left around 12 midday, which was the official end of the drop-in sessions, but Lucy often stayed until 1 pm or 2 pm, and on one occasion as late as 3 pm, and sometimes conducted 20 sessions in a day. The average length of each session, according to our audio-recorded data, was around 17 minutes.

Although only Lucy and Jackie provided the actual legal advice, there were usually two or three other advisors in the room at the Hub. Some of them gave non-legal advice on behalf of City Mission on issues such as housing, while others assisted Lucy, helping her
to prepare her cases or to fill in forms based on her legal advice. Most often, Lucy was assisted by Judy, the ESOL coordinator at City Mission training for her level 1 OISC exam. Occasionally there was also Fazia, a volunteer from Lucy’s organization, also training for level 1.

The advisors did not work in isolation; there was a great amount of interaction between Lucy and her assistants, who would often come to her to ask for advice on how to proceed. Lucy said about this arrangement: ‘it’s chaotic but I like to think it’s quite a friendly environment I think’ (LeeAudLaw_20160602_JS_001). Jolana perceived the atmosphere at the drop-in sessions as professional yet friendly and relaxed, with occasional jokes between the colleagues.

4.5 Sessions
The course of the sessions as they took place in the Hub followed a typical pattern. After Hilda had checked with Lucy or the other advisors in the main room whether she could introduce the next person, she called them in and introduced them to one of the advisors, depending on the type of the query. After the client sat down, Lucy introduced herself and Jolana, who then took the client’s consent by explaining her presence and asking them to sign the written consent form. The beginning of one session is described in the fieldnotes:

Hilda: next one? Lucy: yes, please! The next clients are a couple who arrive with a small child. As always, Lucy starts by introducing herself: Good morning, my name is Lucy and I’m an immigration lawyer. Then she gives me space to introduce myself and ask the clients if they are ok with my presence. They are listening carefully. They do not say yes straight away; I need to give them a little bit more detail than I normally do. Eventually they are fine with my presence and the lady signs the form.

(LeeLawFn_20160505_JH_002)

As detailed in Section 5, the clients who came to the drop-in sessions at the time of our observations were from 30 different countries, from a range of social and educational backgrounds and with very different competence in English: there were people for whom English was a mother-tongue as well as clients speaking only a few words of English. With each of her clients Lucy had to find a way of communicating and explaining complex legal procedures. We end this section with an extract from an interview with Lucy which illuminates this further. JS is James Simpson, JH is Jolana Hanusova, and L of course is Lucy. She explains how her communication with clients involves far more than verbal explanations: she uses different communicative strategies, resources and modes, including pictures, facial expression and gestures.

JS seeing the the clients and talking to them ho- ho- how do you decide how to talk to them when they come in and sit down and so on is it conscious do you think ( ) approach this person in such a way or
L well
J what do you do
L ((sighs)) it’s it’s really difficult because ( ) I’m very conscious to of of that terribly British quality of simply speaking slower means that somebody will understand you so for me it’s a lots of hand gestures I tend to talk with my
hands and just eye contact making sure people can read your face and read

JH  hm

L cause I think the (   ) the actual spoken words although important especially in legal context they're such tiny part of the whole landscape of the conversation I think you c- you can help people to understand by not being passive by not sitting there and being passive and I I I find a lot of repetition as well (   ) Jolana probably sadly knows from the tapes it's the same things over and over again because (   ) people what the first time they won't pay attention and then when you repeat it they you know kind of it starts to sink in if somebody speaks absolutely no English whatsoever and I do get that a fair amount erm what I'm usually more comfortable doing is trying to find out if they've got somebody who can speak their language giving them a rough copy of what I've said with my number to discuss it through an interpreter 'cause I I just the thought of someone going away misunderstanding is I hate that thought so but mainly yea it's a lot lot of hands gestures drawings I I often draw pictures of of things that are happening it's just a lot of different things

JS  what sort of drawings

L  erm for example if I'm trying to describe to somebody that I need to see their biometric residence permit I mean what a mouthful biometric residence permit so I will draw a picture of a biometric residence permit and all of a sudden they go a:::h I (   ) have that one

JH  (laughs)

L  you know rather than erm or erm when trying to do a diagram for example when people (.) what they have to do to be British the steps you have to take so I will draw a steps and (   ) you have to do this then you have to do this and it it just I think it just it's breaking down that impenetrable wall of legalese to actually this is something I need to use and I understand it

(LeeAudLaw_20160602_JS_001)
5. Lucy’s clients
This section provides an overview from the observations of Lucy’s clients – who they are, in general terms, and where they come from – and the issues that they require her help with. We also draw upon interviews with Lucy to illustrate specific points that arise.

5.1 Overview
The clients who came to the drop-in sessions during the three months of our observations were nationals of over 30 different countries, reflecting Leeds’ diversity. The client’s nationality would often be mentioned during their consultation with Lucy, and Jolana sometimes caught the sight of the client’s passport. But establishing the clients’ nationality was not always possible and we were unable to do so in 20 sessions out of the 105.

![Clients' nationalities graph]

*Figure 5.1 Lucy’s clients during our observations. The numbers refer to the number of sessions observed (out of 105), where people of this nationality were present.*
African nationals were present in the highest number of sessions (49), followed by nationals of Asia (21) and Europe (19). More than half of the African nationals were Eritreans (26 sessions), heavily outnumbering all other nationalities. The second and third highest represented nationalities were Iranians and Nigerians with seven and six sessions respectively. The average number of sessions for the remaining 29 countries was around two. Clients’ nationality did not always correspond to their country of origin however: there were African clients, for example, with Austrian or Italian nationalities. In Figure 5.1 below, the numbers are for the actual nationality rather than country of origin, though in some cases there is ambiguity.

5.2 Issues
The clients came to the drop-in sessions with queries related to their own or their relatives’ legal status, or were enquiring about how to proceed in a variety of situations requiring the knowledge of a qualified lawyer. Below we sketch out the nature of their queries in turn, as they relate to British citizenship, residency, indefinite leave to remain, visas, asylum and travel documents. Lucy also dealt with a number of miscellaneous issues, which we also outline. At the end of the section we note that the issues can also be categorised according to how serious they are in immigration law, i.e. Level 1, 2 or 3, as explained above.

Asylum (6 sessions)
Although Lucy is principally concerned with supporting asylum seekers, only a small number of enquiries at the drop-in were directly concerned with asylum in its technical or legal sense. These enquiries related to different stages in the asylum application process:
- Lucy explaining to a client that she is entitled to apply for asylum;
- the client wants to apply for asylum and wants to know how to proceed;
- the client has applied for asylum and Lucy discusses with him the next steps;
- a client has applied for asylum and wants Lucy to be her lawyer;
- Lucy and the client check the asylum extension form together;
- the client wants to know how to proceed after his asylum claim has been rejected.

The countries of origin of the clients with asylum-related queries were Eritrea, Gambia, Congo and Pakistan.

British citizenship (15 sessions)
Queries related to British citizenship often took the form of Lucy explaining to the clients the process of becoming a British citizen or Lucy going through the application form which had been filled in by the client. Most people who came to see Lucy regarding British citizenship had non-European nationality (Eritrea, Iran, Zimbabwe, Afghanistan, Pakistan, Burma and China), but there were also four cases of European nationals wanting to apply for British citizenship. Two of these clients, both young women with Portuguese nationality, mentioned explicitly that this was a result of the upcoming EU referendum.

Residency permit/residency permit card (12 sessions)
The residency permit card serves the purpose, for European Economic Area nationals, of proving that they and their relatives are allowed permanent residency in the UK. As of 2015, holding the residency permit card is a compulsory step for European nationals.
towards obtaining British citizenship, therefore it is likely that a great portion of the queries in this category are connected to people’s ultimate aim of gaining British nationality.

The application form the client needs to fill in is EEA (PR)\(^3\). According to this form, the applicant needs to provide proof of having lived in the UK for five continuous years as an EEA national ‘qualified person’ (worker, self-employed, self-sufficient, student or jobseeker). The queries about the residency permit card either involved clients enquiring how to apply for the card or Lucy going through an application form that had previously been completed by the client or someone who had helped them. There was one case about a lost residency permit card, another following up an instance of residency having been refused, and another chasing up the process when the client had waiting for his card for a long time.

All clients enquiring about the residency permit card were European nationals (Austrian, Spanish, Portuguese, French, Italian, and Lithuanian). Some of them had the nationality of the country in which they were born (e.g. a Lithuanian client), whereas others had been born elsewhere and had moved to another European country before coming to the UK. We were unable to tell precisely which of the clients with European nationality were born in a different country in all cases. We could however infer this from language competence, in cases where clients displayed a lack of knowledge of the dominant language of the European country of which they were a national. In one case, for instance, a client with an Italian passport was clearly able to speak Italian only to an intermediate level.

The Brexit vote in late June 2016 heralded a rise in the number of enquiries about residency permits. In the fieldnote extract below, Lucy talks one of the clients through the procedure of applying for the permanent residency card. The observation was made at the end of July 2016, roughly 6 weeks after the EU referendum:

```
The first client was an African lady with Austrian nationality, Mrs. V. She came with 2 little girls. She was ok with the recording. She came in 2005, had 5 children. She wanted a ‘residency permit’ as she’d been told the law had changed. L: it is the residency card. People with an EEA nationality do not need it. The referendum meant an opportunity for people to express their opinion, but it has not changed the law. But you can ask for the card. V: yes, I want it
```

(LEE_LAW_FN_20160728_JH_011)

The June 2016 referendum did not entail an immediate change in the law. Nonetheless it caused an increase in the interest of EU nationals in obtaining the permanent residency card. The perceived need for the card, as is evident in the extract above, was based on information circulating through word of mouth: note that at the time of writing there is still no clarity on the status of EU nationals in the UK post-Brexit.

**Indefinite Leave to Remain (10 sessions)**

The holder of Indefinite Leave to Remain (ILR), also referred to as ‘settlement’, can stay in the UK indefinitely without any restrictions. In order to be eligible for ILR, the

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\(^3\) Links to the forms mentioned in this section can be found in Appendix 3.
applicant must have lived in the UK for a specific period of time, which depends on the type of visa they originally had, be it marriage, unmarried partner, EEA family permit, ancestry, work permit, investor or other. Ten of the observed sessions had ILR as their focus, with queries usually relating to the application form for the leave to remain (FLR FP). The clients were from Eritrea, Nigeria and Cameroon.

**Visas (13 sessions)**
There is a diverse and extensive range of visa categories for the UK, including spouse visas, family visas and work visas (see appendix 3). The queries relating to visas in the sessions we observed were likewise highly varied and included:

- Spouse visa: several clients were asking how to obtain a spouse visa (In two cases they wanted to know how their spouse visa would be affected if they got divorced,);
- Family reunion visa: one client needed to apply for this on behalf of her family;
- Ancestry visa: one client was interested in finding out the conditions of eligibility for this visa, as well as the process of how to apply;
- Visit visa: one client wanted to bring his mother from Iran to the UK for a visit;
- Entrepreneur visa: the client wanted to find out the conditions of eligibility on behalf of her cousin.
- How to proceed in case of expired visa.

The clients with queries on visas were mostly from African countries (Somalia, Eritrea, South Africa) or from Asia (Iran, Iraq, Afghanistan). Some of the queries were about visas for people who were outside the country, for instance, the visa for the client’s mother to come and visit him in the UK; the entrepreneur visa for the client’s cousin based in Iraq. But some of the clients resident in the UK on a certain type of visa had found themselves in a precarious situation, in the cases of the client enquiring about the impact of a divorce on her spouse visa, and the client whose visa had expired. An important factor is that applicants for certain visa categories such as spouse visa are not allowed legal support from the state, as Judy of City Mission explains in this interview:

> we also see people who erm (.) who erm because of the visa category are not entitled to public funds maybe they come over as a spouse and and then for some reason because of the situation erm they they erm they the find themselves destitute with no food for example there was a woman who erm had a s- a pack of a spaghetti that she said she had to feed her children with for a week

(LeeIntLaw_20161021_JS_002)

**Travel documents (25 sessions)**
The highest number of queries, 25, were about travel documents, and usually related to completing the relevant application form; in a couple of cases, the concerns were about how to proceed after a travel document had been lost or stolen. A travel document is not required by law and a person can apply for one only after they have successfully completed the process of applying for a visa or for asylum: EEA citizens can travel on the passport of their country of origin or nationality. The clients coming with travel document-related queries were all from outside the EEA: Eritrea, Iran, Iraq, China, Zimbabwe and Brazil.

**Miscellaneous (30 sessions)**
Some queries do not fall easily into any of the above groupings. These include:

- the client’s name is written incorrectly on a document;
- the client asks how to proceed in his situation, since his lawyer has submitted the incorrect application form for him;
- the client is facing deportation;
- the client wants to bring her son to the UK;
- the client needs help with writing a letter to authorities to request documents she had sent them.

Some are trivial and some are major. In all cases, however, the clients felt that they needed a qualified legal advice to help them to rectify the situation, hence visiting Lucy at her immigration legal advice drop-in service.

### 5.3 Queries according to immigration law level

As noted above there are three levels in immigration law, categorised according to the complexity of the issues they deal with and the expertise they require. Level 1 cases are codified in the immigration rules, whereas Level 2 cases go beyond immigration rules and require arguing the case and Level 3 are serious, life-changing issues such as asylum appeals and deportation.

According to Lucy, the cases she deals with at City Mission tend to fall either into Level 1 or Level 3, the straightforward or the serious, as she says in this interview extract:

```
L  City Mission in Leeds tends to be erm either level 1 so travel documents erm
EEA applications a- basically level 1 is anything ( ) is codified in the
immigration rules
JS  hm
L  so we know what what we’re dealing with
JS  right
L  because it’s codified. Then we get the serious generally there’s no middle
ground

LeeAudLaw_20160602_JS_001
```

Level 1 queries are according to Lucy ‘all the boring forms that you see at the drop-in’ (LeeAudLaw_20160602_JS_001). Dealing with them occupied most of her time at the drop-in sessions, the most frequent ones being the Home Office travel document application, application for the residency permit card and the application for the leave to remain in the UK (see Appendix 3). However, as Lucy is well aware, even these ‘boring forms’ have far-reaching effects on the clients’ lives. Travel documents are an example of a document that is not legally required, but it allows the person to travel outside the UK, which Lucy sees as a part of enjoying one’s rights as a citizen. Lucy tells us about her views on the importance of the steps that follow obtaining one’s legal status in one of the interviews:

```
Part of the the refugee process being a refugee in the UK I don’t think ends with actually becoming a refugee. For me the two most important aspects following that are family reunion so to have your family join you, and to have documentation to be able to leave because I don’t see why somebody should have to ( ) you’ve been protected but that does not mean to say you can’t travel. I think that’s terrible if we’re saying no you have to ( ) stay so I’m quite happy to do it
```

31
Level 2 cases are more challenging for an Immigration lawyer as they include cases outside the immigration rules and require some arguing. Judy describes the Level 2 cases as follows:

*If there’s something that would potentially ( ) influence erm the the decision, for example if if there was a question about whether somebody had a criminal history of something and that might influence the decision of on the good character requirement depends on what it is and if it’s specifically stated and ( ) if it’s very clear then it could be level 1. But if it’s if it’s outside the rules or a question of kind of arguing and it is within the arguing ( ) for a special reason then that would move up into the level 2 category*

An example of a case that we observed that would fall in the Level 2 category is an Ethiopian client with a European nationality whose travel document application had been refused. This case required Lucy to argue the reasons why she believed the client is entitled to be issued with travel documents:

*L asks the lady for a concrete letter, she passes it to her, and L writes onto the form: ‘Eritrean Embassy was not able to give me the document, evidence of my visit enclosed’. L: so basically this is why they are wrong in not giving you the document. L writes: I believe the refusal was unreasonable because (...) ability to travel (...) and my rights are being breached as a result. L: so, basically saying my rights are being damaged because I can’t travel. So I can’t see my family, I can’t go on holidays.*

Level 3 cases that we observed were not numerous – but their seriousness made them stand out. They included two clients facing deportation, a client who had applied for asylum and wanted Lucy to represent her in court, and a client whose asylum case had been rejected. These three cases were followed up with Lucy outside the drop-in sessions. The case of the two women facing deportation was treated by her as an emergency. The client whose asylum claim had been rejected wished to appeal and Lucy took his details to refer him directly to her organisation.
6. Lucy’s communicative strategies

This section is based on an analysis of audio recordings of five sessions that have been transcribed in detail, in conjunction with the fieldnotes that relate to each of the sessions. What is distinctive about Lucy’s engagement with her clients is that, unlike Klára of our first Leeds-based case study (Baynham et al. 2015) she does not share a language with them. In this section we explore the strategies she uses when she engages with her clients. Routine activities are typically Level 1 and Level 3 legal advice work, as noted above. This involves form filling, advice on which procedure to follow, and guidance on writing covering letters. In doing these tasks, she goes through a process we call matching and mapping: matching available data from clients with a specific area of immigration law, and mapping their case and its future trajectory onto a path of action that might have been established earlier. We then look at how she gives explanations of legal procedures. The examples in 6.1 and 6.2 are all from the same session, where Lucy is discussing with her client Abdoulie his visa situation. In 6.3 the focus is Lucy’s telling and eliciting of stories, including the small stories so characteristic of oral narrative (Bamberg & Georgakopoulou 2008). Here we look at interaction with two further clients, Ali and Cara, as well as Abdoulie. Finally in 6.4 we look at how she explains complex terms and processes. Two communicative strategies involving interpreting are described and addressed in later sections of analysis. These are how she works when the client has brought along with them for support (which we discuss in Section 7), and the use of the translation app Google Translate (Section 8).

6.1 Matching and mapping

First we focus on a theme that is salient through the data set as predominant activity: the way Lucy matches the data she elicits from clients to a category of immigration law (i.e. putting the pieces of the puzzle together). Matching and mapping can operate at a number of levels, for example involving working out which particular immigration pathway a client should follow, and can involve matching and mapping elicited biodata to a particular pathway:

L: ok Abdoulie so last time we met we were talking about what type of visa you might want to try and apply for weren’t we so how can I help you today

(LeeLawAud_20160616_JH_JC_005)

Once a pathway is identified, relevant documentation and biodata needs to be matched and mapped onto the categories of the particular pathway chosen. Here (turn 9) Lucy is advising Abdoulie that the lawyers will need the evidence which can support his claim. This evidence has to match the criteria for a particular claim:

1. L: where is the number here ( ) ok so zero eight zero eight eight thousand six three one now these people
2. A: uhm
3. L: they are a charity
4. A: uhm
5. L: that help people do their support application so this is not a number for the Home Office
6. A: (ok)
7. L: if you call these people
8. A: uhm
9. L: they ask you for evidence they need
10. A: uhm
11. L: then they make the ((baby starts crying)) application to the Home Office ((baby crying)) (to) make sure it's perfect ok? so that's that's easy for you to do you need about ten fifteen minutes on the phone

Lucy is introducing the idea of evidence that is needed to support an application. Evidence which is missing or contradictory will invalidate the claim. The matching and mapping of documentary and biodata evidence is crucial to the success of Abdoulie’s application. The procedure that Lucy proposes is to prepare the application in such a way to ‘make sure it’s perfect’. This is Level One procedural advice.

In the following extract Lucy is making sure that Abdoulie has the evidence to match his claim and that he takes them to important meetings, with his lawyer and the Home Office:

1. L: you gave them your evidence didn’t you in in Croydon
2. A: yea yea yea I
3. L: excellent
4. A: I have some (   )
5. ((paper rustling))
6. L: brilliant () ((paper rustling)) so anything they don’t have () wonderful ((baby crying in the background)) so tha- this is baby certificate
7. A: (   )
8. L: lovely
9. A: (   ) ((paper rustling)) (3.0) (   ) news- newspapers
10. L: (   ) did has the Home Office ((baby crying in the background)) (oh) there
11. A: (   )
12. L: wonderful now your lawyer will want to see these ok
13. A: A: yea
14. L: so make sure you take them to the meeting with the lawyer but the Home Office will also want to see them ((baby crying)) so make sure there are copies made
15. A: ok
16. L: ok? Now the Home Office usually want the original but ask your (   )
17. A: I can still get them on the interview because they are broadcast internationally it’s on the internet
18. L: so but this i- this is the original paper version this is important
19. A: yea
20. L: too () so I would show it to your lawyer first

Lucy’s interactive and inclusive style combined with explanatory clarity is much in evidence here as she sorts through and checks the documents that Abdoulie has brought in, all the while commenting on and anticipating the process he will have to go through ('now your lawyer will want to see these ok [...] but the Home Office will also want to see
them’). She repeatedly advises him on what he needs to do (‘so make sure there are copies made [...] so I would show it to your lawyer first’). Threading through the entire purposeful interaction however is a lexis of appreciation and encouragement: ‘excellent...brilliant...lovely...wonderful’ as she matches and maps the documentation Abdoulie has provided against her professional knowledge of the application requirements.

Matching is significant at a range of levels in these interactions. Here Lucy is keen to match Abdoulie with a really good lawyer:

1. L: ok ok yea it ( ) it sounds like you’ve told them all the right things so I let me just get you some numbers and (then) I’ll explain precisely how this is going to happen so you know exactly what what they’re going to do.
2. A: all right
3. L: the good thing about the Home Office is at this point in your claim they are very predictable we know what they’re going to do ok so I can tell you what they’re going to do (2.0) so those are the three lawyers the biggest ones in Leeds now they all do legal aid so you’ll be asking for legal aid

(LeeLawAud_20160616_JH_JC_005)

As she continues to explain the procedure, making visible for Abdoulie what he will have to go through, Lucy goes on to emphasize why these lawyers are a good match for Abdoulie’s case:

1. L: those lawyers are very good if you have any trouble with getting one of those really good ones let me know and I will see what I can do
2. A: all right
3. L: there are many more out there (.) in Leeds so that you would not be without one but in my opinion those three are the best ones

(LeeLawAud_20160616_JH_JC_005)

The process of matching and mapping documentary and biodata evidence onto the requirements of the application form are made possible by the predictability of the processes. Lucy highlights this consistency when she says: ‘the good thing about the Home Office is at this point in your claim they are very predictable we know what they’re going to do ok so I can tell you what they’re going to do’. We have however suggested here that the matching and mapping goes beyond matching and mapping evidence to the requirements of the application; it also extends to matching figures in the field and bringing them together, for example Abdoulie with a suitable lawyer. Lucy’s professional knowledge extends beyond the scope of text and evidence into the domain of field and practice: who will work best with whom in this particular circumstance.

6.2 Explaining the procedure

As we can see from the above extracts, Lucy spends a lot of time explaining the procedure for what will happen as Abdoulie’s asylum claim unfolds. Procedural talk has a lot in common with narrative, though it tends to describe what typically happens.
Tense is generic present or, as here, future. Here Lucy is describing some of the processes Abdoulie will go through:

1. **L:** the good thing about the Home Office is at this point in your claim they are very predictable we know what they’re going to do ok so I can tell you what they’re going to do (2.0) so those are the three lawyers the biggest ones in Leeds now they all do legal aid so you’ll be asking for legal aid

2. **A:** uhm

3. **L:** and it’s for an initial asylum claim ((writing down?)) (.) that’s all (as) you need to do is call and say I have an initial asylum claim I need to book an appointment and they pick one and they will book an appointment.

(centre)

There is a lot of repetition, and this repetition is one of the strategies that Lucy uses to make sure that the client is clear a) about what is going to happen and b) what his role is in the proceedings, what he must be ready to do at each point. On a number of different occasions in the session, Lucy repeats that Abdoulie must call the lawyers to make an appointment.

In the next extract Lucy describes the asylum interview procedure, again reminding Abdoulie of the need to bring his evidence, a process he has already been through in relation to his wife’s claim. We can see that Abdoulie is already to a certain extent primed for this, as he starts producing his documentary evidence. To participate in this process is to develop expertise:

1. **L:** erm then (wi-) usually within about six months sometimes longer but at the moment it’s about four to six months they will call you for your asylum interview so that’s your big long interview now that’s your chance to tell them everything about your claim ok? So in c- anything about the fear you have of return home but also kids wife the whole thing all right erm at that interview erm you can tell them about your wife’s claim everything everything that’s happened in the past a- and you gave them your evidence didn’t you in in Croydon

2. **A:** yea yea yea I

3. **L:** excellent

4. **A:** I have some ( ) ((paper rustling))

5. **L:** brilliant ((paper rustling)) so anything they don’t have (.) wonderful ((baby crying in the background)) so tha- this is baby certificate

(centre)

In this extract we see another aspect of Lucy’s professional expertise. Through repetition and outlining of the procedure, she is making visible the steps Abdoulie will have to go through to gain asylum and also what he will have to do at each stage. Additionally she ties the steps to come back to previous steps in the process: ‘you gave them your evidence didn’t you in in Croydon’ to which Abdoulie replies ‘yea yea yea’. She is tying what is to come into what has already happened, making this visible to Abdoulie. There is an almost balletic quality in these interactions: the handing back and
forth of documentation as Abdoulie proffers a particular paper and Lucy checks whether it matches the requirements of the process combines with different strands in the talk, as Lucy explains, advises and encourages.

6.3 Stories, documents and biodata
The matching and mapping we have been describing chiefly involves documents, personal stories and biodata. One of Lucy’s primary professional and interpersonal skills is to elicit these and check them against the requirements of a particular procedure. Here she is working with Ali concerning his documentation for his Indefinite Leave to Remain Application:

1. L: your application so it’s zero dependents and ( ) one eight seven five all right ((L turning a sheet?)) I’ll leave the date blank and you can put that in when you are going to send this
2. A: yea
3. L: ( ) do you have a passport at the moment
4. A: e::rm be- because I want to ( ) other one but the new one ( ) applied for but I want to (go and) take the picture ( ) twenty-two ( ) application ( )
5. L: in fact ( ) to put the number down on here and then you ( )
6. A: the old one
7. L: yea so and then you can say I can’t supply you the old one cause I’m I it’s I’m getting a new one from Nigerian High Commission
8. A: this this one is erm for the new one for the new one
9. L: excellent ok let me have a look ((mutters to herself as she’s reading))
10. A: ( ) got ( ) the twenty-two
11. L: oh ok so it’s already so is the old one in here?
12. A: yes
13. L: I’ll take the number from ( ) now the reason I’m doing that is so that cause when you came into the UK they will have this one on the system they’re just checking it’s you that’s all it is
14. A: yes yes
15. L: so I’ll take the number but they don’t need this one you can
16. A: ok
17. L: ( ) just tell them if they ask for it ( ) it’s not with you it’s with the Nigerian High Commission
18. (2.0)
19. (people speaking in the background))
20. L: (talking to herself) eight zero one eight one eight eight nine five all right ( ) can I just borrow your just while I’m filling this in I just need
21. A: yea yea
22. L: in case there’s any details ( )
23. A: ( )
24. L: excellent (. ) perfect yea that’s lovely ((leafing through some paperwork))

Ali’s passport is at the Nigerian High Commission being renewed. However Lucy puts down the number of his original passport, the one that he used for his arrival in the UK
(turn 13). Why? Because it matches, and at this point the Home Office want to know that they are dealing with the same person. So the matching and mapping often refer to documentation, but can also refer to elements of the applicant's personal story. Hence eliciting and telling *stories* is a key aspect of the interactions we observed.

Here Cara from Malawi is recounting the circumstances which led to her teenaged son being deported back to Malawi after serving a prison sentence. Note that the story is to a certain extent a jointly constructed story, recounted by Cara but with Lucy joining in at strategic moments:

1. C: so he went home (while) he was ( ) and ( ) and erm ( ) in during that time the law changed I remember erm Theresa May said oh if he you know ( ) they face the
2. L: so did they issue ((L speaking over C))
3. C: they'll face the ((C speaking over B))
4. L: the deport ((L speaking over C))
5. C: yea yea
6. L: oh
7. C: deportation ( )
8. L: so yea
9. C: so I did fight for the deportation back
10. L: ok ((clears her throat))
11. C: they ( ) they give me the reason say yea erm he's a risk to the public and there's a risk of re-offending
12. L: even though he was only twelve when he came
13. C: ahm no no that time he he came when he was twelve but that time
14. L: yea
15. C: he was only sixteen and they *delayed* the case until (his) seventeenth birthday
16. L: oh goodness me
17. C: ((laughs)) so he was sentenced when he was seventeen
18. L: so he was so he was actually removed when he was eighteen then from the UK
19. C: that's right
20. L: oh
21. C: yea
22. L: so they waited until he was an adult
23. C: yea an adult ( ) yea ( ) we did fight I did fight but
24. L: o:h poor guy so then he so then he gets removed to Malawi and at first they refuse to take him but then they let him in
25. C: Malawi refused refused the Malawi government refused because he they were saying that where is he going you know
26. L: yea we don't know this person yea yea
27. C: yes yea we don't know this person there's nobody to take him and he doesn't have a family and he's a child so in Malawi
28. L: right
29. C: you have to be twenty-one to be considered as an adult
30. L: right so did they let him in in the end ( ) he then
An example of joint construction, turns 25-27 above, comes when Lucy completes Cara's utterance. We can see an instance of the Home Office manipulating the matching and mapping of life story against the law: Cara’s son is initially too young to be deported, the case is delayed until he has turned seventeen and he is deported when he is eighteen. As Lucy notes, 'so they waited until he was an adult.'

In the next example, we return to Abdoulie, who we met earlier. He tells what Georgakopoulou and others call a small story (Bamberg & Georgakopoulou 2008), briefly recapping a moment in the events that forced him to flee his country. The small story emerges at turn 11:

1. JH: so it’s the newspaper from your from your country
2. L: yea?
3. A: yea
4. JH: oh my oh my god
5. L: this is this is ( ) gently unfold it I will show you it's so there ( ) that's you isn't it?
6. A: yea
7. JH: o::h
8. L: ( )
9. JH: oh my god
10. L: so (.) yea
11. A: ( ) come to my house and then I was with my family and they ( ) burned the house ( ) I was sleeping with my family

We sense this is a story to be told not once but many times as Abdoulie goes through his process of claiming asylum. Later in the same interaction Lucy explicitly alludes to the contribution of the newspaper article to his story-as-evidence: 'your lawyer will be very pleased to see these, because there is nothing like having proper evidence.'

The small story (a term introduced by Georgakopoulou, 2007, and Bamberg & Georgakopoulou, 2008) is told, not for its own sake, but to do some kind of interactional work. Here it is to provide evidence in the ongoing construction of Abdoulie’s case for asylum. It matches the requirement that an asylum seeker should be able to evidence genuine fear for their safety in their country of origin.

6.4 Explaining complex legal terms and processes
As pointed out above, unlike Klára in our Business case study, Lucy operates only in English and yet she seems to be able to communicate complex matters effectively to her
clients. We have already seen one of her strategies, used with Ali, which is simply to repeat key points a number of times to make sure he knows what will be happening and what he has to do. Lucy is also effective in a particular kind of translanguaging, which, after Jakobson (1959) we might call *intra*lingual, shifting from the specialized technical lexis of the law to ordinary everyday language. Here we return to Cara: Lucy is explaining to Cara the consequences of her son’s deportation order for his chances of re-entering the country. Highlighted in *bold* in this extract we have the legal terms that Lucy uses as she explains the consequences of the deportation order to Cara. Cara seems to have a strategy of repeating the last word or phrase of Lucy’s utterances as if in confirmation that she is following the explanation. As she explains, Lucy glosses and comments on the more technically loaded stretches in conversational English, highlighted here in *italics*.

1. L: *now you have a big problem here* because when somebody is **subject to a deportation order**
2. C: hm
3. L: *which your poor son that’s what happened to him*
4. C: hm
5. L: *it lasts for ten years even after you’ve been removed from the UK*
6. C: the UK
7. L: *yea now you can apply to revoke* that
8. C: revoke it yea
9. L: *but if you don’t if you simply (make) an erm s- student application for him or a visit it would automatically be refused*
10. C: refused
11. L: *every time for ten years*
12. C: ( ) years yea
13. L: *even after the ten years they still might decide that because he was once excluded*
14. C: yea
15. L: *that he’s not desirable to let back in*
16. C: ( ) back in
17. *so (.) he(.) your (.) what you would be looking to do for him or what you the only thing that you could do at this stage is to try and **reapply to re- revoke that deportation order** now that’s gonna be difficult ‘cause he’s been out of country*
18. C: yea
19. L: *wh- the grounds for revoking a deportation order are that something in the situation is now significantly different to **warrant the Home Office** opening that that up*
20. C: ( )
21. L: *so if nothing is changed if he’s if he’s still in the same situation and you are it’s not gonna be successful if something had changed in his family life or*

As well as explaining the legal situation, we can see how Lucy aligns herself in sympathy with Cara and her son using affect-laden lexis, ‘your poor son’ (turn 3). Lucy consistently uses strategies to align with and express empathy with her clients. We note in the
extract quoted above from the same interaction, where Cara describes the circumstances of her son’s removal from the UK, Lucy comments ‘goodness me…. o::h poor guy…my god.’ In Section 7 below we will return to Lucy’s strategy outlined here, to explain how we understand it as a form of epistemic flattening.

6.5 Summary
In these sections we have been examining some of the characteristic communicative work that Lucy engages in with her clients. We have argued that ‘matching’ and ‘mapping’ are important on a number of levels, as Lucy tries to match a clients lifestory to a particular immigration pathway, to match the documentation required to the relevant part of the form, even to match asylum-seeking clients with the best available lawyer. Documentary evidence is crucial, as are the stories told by clients or elicited by Lucy. Crucially these stories are evidence, though even better if they can be matched and corroborated by a newspaper story, such as the one that Abdoulie produces. Lucy uses narrative-like recount to outline the procedure that clients will follow in making their claims. We note a pervasive use of affective language to signal alignment with the client, including the joint construction of stories and evaluative comments. Her strategies include repetition of key points to ensure the client has understood, and a kind of intralingual translanguaging, involving technical legal terms and formulations and everyday colloquial language. We will explore the significance of this major strategy in the discussion below of epistemic flattening (Section 7). Later, in Section 8, on mediated discourse, we discuss her use of a machine translation alternative, Google Translate.

There is doubtless scope for further work comparing Klára’s interpreting strategies, from the TLang Leeds Business case study (Baynham et al 2015) with the meaning making strategies adopted by Lucy and her clients in circumstances where reliable access to interpreting/translating was not always available.
7. Linguistic and epistemic flattening
In the legal settings we study, there are inequalities or asymmetries in terms of language – one person is better versed in legal language than the other, and of course there might be unequal access to English, the state-sanctioned language of national belonging. There are also inequalities or asymmetries in terms of knowledge, which for some theorists is located in the moral as well as the social domain. This section is concerned with how knowledge asymmetries are handled in multilingual interactions between Lucy and her clients. Here we draw on one particular interaction involving Musimbwa, to demonstrate how access to knowledge, rights to knowledge and responsibilities in terms of knowledge are navigated, and how this is done in relation to available multilingual repertoires, in a process we refer to as linguistic and epistemic flattening.

7.1 The morality of knowledge
Knowledge as an object of study attracts attention from across the social sciences – cognitive scientists, sociologists and anthropologists – yet the morality of knowledge is only newly a concern. As Stivers, Mondada & Steensig (2011: 24) write: ‘Knowledge is a topic that has been on the radar screen of intellectual thought for over 2,000 years. However, in this long and winding history, it has only been relatively recently been asked how it is that in conversation we treat ‘knowing’ as moral’. The approach taken in this section is inspired by ethnomethodological and conversation analytic (i.e. micro-sociological) approaches to epistemics, in which territories of information (Kamio 1994) – knowledge over which humans have or claim ownership – and their maintenance are considered phenomena operating in the realm of social interaction. This approach to locating knowledge as it operates in the here-and-now of social life is related to notions such as Hutchins’s cognition in the wild. A cognitive scientist, Hutchins argued for the use of anthropological rather than experimental methods for understanding how people think. Cognition in the wild, according to Hutchins:

[...] refers to human cognition in its natural habitat - that is, to naturally occurring culturally constituted human activity. [...] I have in mind the distinction between the laboratory, where cognition is studied in captivity, and the everyday world, where human cognition adapts to its natural surroundings. I hope to evoke with this metaphor a sense of an ecology of thinking in which human cognition interacts with an environment rich in organizing resources.

(Hutchins 1995: xiii-xiv)

The contribution of certain micro-sociological approaches to knowledge (e.g. the research in Stivers, Mondada & Steensig [2011]) has been to locate knowledge not only in the social domain, but also in the moral domain. This is particularly relevant in institutional settings such as legal ones, in which epistemic asymmetries are likely to be more pronounced. The premise is that: ‘In social interaction conversationalists attend not only to who knows what, but also to who has the right to know what, who knows more about what and who is responsible for knowing what’. Moreover: ‘Insofar as interactants hold each other accountable for the rights and responsibilities associated with epistemic access, primacy and responsibility, knowledge is a moral domain with
important implications for managing social relationships’ (Stivers, Mondada & Steensig, 2011: 19).

These three central ideas in a micro-sociological approach – epistemic access (who has the right), epistemic primacy (who knows more) and epistemic responsibility (who is responsible) – will be developed briefly before turning to their application in the analysis.

The first, *epistemic access*, basically refers to individuals’ state of knowledge in absolute terms. This is often referred to as a binary of *K+* (being in a position of knowing) or *K-* (being in a position of not knowing) (Goodwin, 1982; Heritage & Raymond, 2006). In the legal setting, people seek professional services precisely because they lack access to certain territories of knowledge (e.g. knowledge of the legal system, of legal terminology, etc.).

The second, *epistemic primacy*, refers to people’s relative rights to access particular information, to the specificity or completeness of that knowledge, and to handle knowledge. Such primacy is often related to social categories, such as lawyer or client in the case of our data. The lawyer might be assumed to have a right to gain complete information about a case from a client, and to tell of, inform of or assess that information.

Finally, *epistemic responsibility* refers not just to people’s right to know certain information, but also to their responsibility to know it; that is, to the degree to which they are held accountable to certain knowledge. Thus, the lawyer not only has a right to the client’s knowledge of particular events, but is also morally responsible for having that knowledge in order to best represent them.

Our analyses have revealed that while significant asymmetries exist between lawyer and client in terms of epistemic access, primacy and responsibilities, which are often exacerbated by linguistic asymmetries, our key participant Lucy navigates towards more symmetrical distributions of knowledge. This is the process we refer to as linguistic and epistemic flattening. Inequalities are not removed completely (i.e. levelled) in the process; rather, some kind of change in states of knowledge has been achieved.

### 7.2 Introducing Musimbwa’s case

The interaction studied in this section concerns an appeal against an unsuccessful application for asylum of the client, Musimbwa. Decisions about asylum applications are communicated by letter to applicants by the Home Office. Once a negative decision letter has been received, clients can appeal to have their case heard by a First-Tier Tribunal, usually within 14 days.

Appeals are heard by one or more judges, with no jury, in several locations in the UK. Applicants making appeals may attend the hearing with legal representatives and an interpreter, although they may also represent themselves. The appeal hearing will also be attended by a Home Office representative (the respondent). Witnesses may also be called on to give evidence as and when they are required, although they are not allowed to hear the proceedings prior to giving evidence, and can only remain in the hearing
after they have given evidence with the permission of the judge. As hearings are in public, there may be members of the public and very occasionally journalists present in the room too. The applicant is informed in writing in the weeks following the hearing whether the appeal has been allowed (successful) or dismissed (unsuccessful).

Musimbwa, the protagonist of the interaction studied here, has received a negative decision on his asylum application, has appealed through a solicitor in Sheffield and has been summoned to an appeal hearing. His previous solicitor is not willing to handle the case any further, so Musimbwa is seeking representation for his upcoming hearing. As we have noted, he is accompanied by his wife Valentina, who acts as a language broker between the legal experts, Lucy and Jackie and the client. Jolana is also present and participates at times in the interaction.

7.3 Introducing the interaction
The main phases of the interaction are the following:

1. Greetings and introductions. There is some talk about the clients' language involving all present.
2. The first part of the interaction involves Lucy and Jackie going through the paperwork that Musimbwa and Valentina have brought with them and asking questions to ascertain what point the appeal is at, who the solicitor was, etc.
3. It is decided that the asylum seeker support charity that employs Lucy can take on the case and the client's details are taken.
4. Discussion takes place about the need for an interpreter for Lingala, the client's language. Lucy and Jackie ask Valentina if she knows any interpreters, as Lingala speakers are hard to find in Leeds.
5. Lucy then has the client sign a permission form, which she writes up by hand as she had no printed ones, to authorise the charity to act on Musimbwa's behalf to get his case file from his previous solicitor. In this process, she makes sure Musimbwa knows what he is signing and insists that he should only sign documents he understands.
6. The issue of a Lingala interpreter again is discussed, and Valentina gives details of one that the charity can contact.
7. Valentina then has questions about the dates given in the letter. There is a first date, which is a date for a review of the client's paperwork that he does not need to be present for, and a second date for an oral hearing, which Lucy says is the important one. Lucy informs the clients that until the charity has the case file, they do not know the details of the case, so there may be reasons for not taking it on or for delaying the hearing. In any case, the clients should wait for a phone call from the charity, and attend the meeting in their office thereafter.
8. Lucy tells the clients she will take a copy of their paperwork.
9. Musimbwa asks how long they should wait for a phone call with the charity, which is translated by Valentina, and Lucy tells them it should be just a couple of days. She gives them the charity's contact details.
10. Finally Lucy thanks Valentina for her skilled interpreting and the interaction comes to an end.
11. Lucy leaves to copy the documents, while Jolana and Jackie engage in conversation about the new space they are in.

The recording lasts 19.02 minutes.
7.4 Analysis
In this section, the interactional data will be analysed, drawing on other types of data when relevant. Like other interactions observed in the Law phase, the interaction in which Musimbwa is the protagonist is strongly mediated by other people present and by artefacts. The first extract studied takes place when Lucy has ascertained that the charity which employs her can represent Musimbwa, and she writes out a permission form for him to sign. She asks his wife, Valentina, to use her knowledge of English and Lingala to explain to Musimbwa what he is signing, acknowledging his right to the information. The extract is referred to in the fieldnotes in the following way:

L writes the contact details for Jack and takes another sheet to write a declaration:
L, Mxxx Kxxx, give [name of asylum seeker support charity] permission to act on my behalf in connection with my asylum claim. I authorize the release of my full case file to them.
L reads it out to the clients and explains it.
Then adds:
Signed:
Print: Mxxx Kxxx
Date:

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The following is the extract from the audio data, with numbered lines for ease of reference. Some remarks need to be made about the Lingala transcriptions. We sought the help of a Lingala speaker to access this data. The literal translation (in italics) is basically a word for word equivalent. We note that the talk in Lingala includes words which are associated with French or English, pointing to the richness and complexity of the participants’ communicative practices, and highlighting the translingual practices inherent in everyday communication, and the lack of adherence to the boundaries of societally-defined languages.

1. L: so what I’m just doing here is I’m writing out a
2. permission so what I what it’s going to say is that
3. um Musimbwa gives me um gives me gives ((name of charity))
4. permission to get all the old papers
5. from the old lawyer because I we will need those to
6. help start the case to prepare the case ok
7. V: ok
8. L: so ( ) I’ll just write it out and then if you
9. wouldn’t mind just to tell Musimbwa exactly what it
10. says cause obviously you should never sign anything
11. you don’t understand so I’ll I’ll write it and
12. then if he’s happy he can sign ok
13. V: ok alobi eza papier azokoma pona baza mibale
14. bango mobimba bako etudier case nayo ()
15. sikoyo soki yo osepeli te oyebisi bango
16. te ou bien osigner te () mais baza na dossier
17. na yo po ba etudier yango mibale ()
18. soki osepeli te oyebisi bango o signer te
19. V: <ok she’s saying she’s writing papers both of them
Lucy verbalises what she is about to do, explaining to Valentina the content she is going to put in the letter before she begins to write it down (lines 1-6). Valentina voices her alignment with Lucy’s actions (7). Lucy again verbally pre-empts the embodied action she is just about to carry out – that is, writing up the letter – and asks Valentina to
explain what its contents will be to Musimbwa, before she writes it down (8-12). Still in this turn, Lucy produces a meta-commentary on what she is asking Valentina to do, i.e. explain the letter’s contents in Lingala (8-10). This comment explicitly refers, though the choice of modal verb (10 – ‘should’), to the moral domain of the knowledge at stake, and specifically to Musimbwa’s responsibilities in relation to that knowledge. She tells Valentina that one should never sign anything that they do not understand fully. By understanding English, both Lucy and Valentina have access to knowledge that Musimbwa does not, while Musimbwa is the party that is directly affected by the knowledge, and thus morally has not only the right, but also the responsibility according to Lucy, to be in a position of knowing. Yet he does not have access to the knowledge without translanguged mediation. Valentina explains to Musimbwa in Lingala what Lucy is proposing to do (13-24), and only once Musimbwa’s conformity is obtained about the letter (25) and Lucy herself is confident he has agreed (30) does she begin to write it. Once the letter’s content is formulated, Lucy reads it to Musimbwa and Valentina (34), thereby using speech to mediate the clients’ comprehension of the written document in English. Lucy glosses and comments on the more technically loaded stretches in conversational English, shifting from the specialized technical lexis of the law to ordinary everyday language (38): ‘so we can get the case papers’. She allows time for Valentina to explain the letter’s content to Musimbwa. Valentina does not translate the letter literally to Musimbwa as Lucy has requested (8-10), but rather simply asks him if he has understood that it is a document he needs to sign in order to be represented (39-45). Lucy apparently perceives no signs that Musimbwa does not have access to knowledge about what he is signing. Satisfied by the clients’ actions that Musimbwa is on as equal epistemic grounds to her and Valentina as possible, Lucy adds a place for the client’s signature, name and date on the letter to officially document Musimbwa’s conformity with the process (48-49). Finally, note (52 and 55) that Lingala speakers typically use French words for dates, according to our translator.

At the end of the interview, just before leaving to make copies of Musimbwa’s paperwork, Lucy refers to Valentina’s skills as an interpreter, thanking her for her assistance, as can be seen in the following extract.

1. L: yes I will need that one ((paper rustling)) thank you thank you for coming thank you so much for your interpreting skills
2. V: (no) you’re welcome
3. L: it was perfect
4. V: ((laughs)) ( )

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In line with our previous analysis, we argue that the thanks (lines 1-2) and praise (4) that Lucy offers Valentina for mediating between Lingala and English is not based on her assessment of Valentina’s linguistic competence, to which Lucy only has partial access as a non-speaker of Lingala. This may be simply a phatic comment, i.e. one used to express sociability rather than having a specific meaning, thus indexing their developing relationship. Her commending of Valentina could however relate to her skill at ensuring both linguistic and epistemic hierarchies were flattened, thus ensuring
Musimbwa’s rights and his responsibilities as a legal client were upheld as best as possible.

In one of the interviews with Lucy, her recourse to interpreters is discussed. In the interview, she emphasises the importance of her clients’ being able to access knowledge, in potentially high-stakes cases. She describes her strategies – e.g. using open-ended questions, or drawing on informal interpreters, as we have seen above – to ascertain that her clients’ understanding of the nuances of the legal domain is sufficiently being achieved in her interactions with them.

*JS* and what about (    ) you’ve mentioned this erm but when you need recourse to an interpreter how ho- how () how little () how do you know when you need and interpreter

*L* ehm (2.0) I think I’ll al- I mean with every client I always introduce myself in a very clear simple way I I don’t assume anything from the way somebody looks or how they come in ‘cause you don’t know how long someone’s been here but I think judging from what how they reply to my name is Lucy I’m an immigration lawyer can you tell me what the problem is and and generally (form the) answer to that question I’ll be able to tell erm I like to ask questions that don’t have a yes or no answer ‘cause a lot of lawyers will try and keep it simple and ask and people can say yes or no they want to please they want to say yes I understand so I will ask and open-ending question and if they reply yes or no () ok I (think) they haven’t quite got the essence of what I’m trying to say here erm but I think and the more serious the matter is the more inclined I am to just just (    ) get and try and get someone that can speak the language because the the the sta- if as the stakes are higher the the chance of their unders- of not understanding is just too risky [...] I think sometimes you know especially with languages that are not even in our alphabet there’s a lot of subtlety and nuance that even when people learn English that they (.) in my experience they struggle to understand the whole concept unless it’s translated in their language even if they do speak English

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The issue of people being keen to please, to be able to say ‘yes, I understand’ is one made in much forensic linguistics literature. Eades (2008), writing about the Australian context, refers to gratuitous concurrence (a term coined by Liberman 1980): ‘people often answer Yes to a question (or No to a negative question) regardless of whether they actually agree with the proposition being questioned, or even understand the question.’ The phenomenon, as Eades continues, ‘causes particular problems in legal contexts, where saying Yes in answer to a question is taken as a binding agreement.’ Lucy’s final point is about people who need recourse to an interpreter even if *prima facie* an expert user of English. Debates are ongoing in the literature on forensic linguistics about who is entitled to have an interpreter in legal contexts (Berk-Seligson 1990); in the UK questions have also arisen recently about the quality of court-appointed interpreters, and cuts to the funding of provision of their services (Bowcott 2016).

7.5 Summary
In this section, we have tried to show how, regardless of whether Valentina did what she was asked to do or not, the interpretation into Lingala that Valentina was asked to provide by Lucy was not only about establishing intersubjectivity or understanding in linguistic terms, but was also about ensuring her client’s access, rights and responsibilities in relation to knowledge are upheld. That is, we have examined the translanguaging strategy of informal interpreting, which had as its purpose to ensure that meaning was made by the client. The example was also an act of informal mediation, intended to help flatten both linguistic and epistemic hierarchies.
Technology-mediated interaction: Google Translate

Here, with reference to fieldnote and audio data, we turn to a very different type of translation as we examine how communication across languages is enabled (or not) through the use of a new digital technology, Google Translate, as used on an iPhone.

8.1 Google translate in professional settings

The use of Google Translate (GT), a free machine translation tool, is widespread and growing, its popularity due to its ease of use and accessibility: as the Google Translate website has it: ‘The Translate app is like having a personal interpreter in your pocket’ (http://translate.google.com). Launched as a web-based app in 2008 and a mobile app in 2010, its design takes a statistical, or corpus-based, rather than a rule-based approach to machine translation, meaning that its system can be trained automatically, without any direct human intervention. Prikladnicki et al (2013: 25) describe this training: ‘It applies statistical learning techniques to build language and translation models from a large number of texts, both monolingual text in the target language and text consisting of examples of human translations between the source and the target languages.’

Its use – and problems with its use – in professional settings, has for attracted some attention in the literature. Vidhayasai et al (2015) note that statistical machine translation systems have a large drawback because they use no or limited grammatical knowledge and rely on a target language model to produce correct target language texts, often resulting in ungrammatical output. In their study of the use of GT to translate the terms and conditions pages of a Thai airline website, they identified errors on three levels – lexical (especially non-equivalence), syntactic (e.g. adjective being translated as noun) and discursive (text with so many lexical and syntactic errors that coherence cannot be ascribed).

In medical settings, Patil & Davies (2014) examined the use of GT for medical phrase translations, and found only 57.7% accuracy. These authors conclude that GT should not be trusted for important medical communications. They note nonetheless that ‘it still remains the most easily available and free initial mode of communication between a doctor and patient when language is a barrier. Although caution is needed when life-saving or legal communications are necessary, it can be a useful adjunct to human translation services when these are not available’ (2014: 2). In Lucy’s legal setting, where she sees people from around the world on a drop-in basis, official translation services have to be booked in advance, and she does not always know who will need such services: feasibility as well as cost are an issue therefore. When translation and interpreting is needed ad hoc, GT appears to be a first, rather than a last resort.

In legal settings where immigration is the focus, as with the entire sociolinguistic landscape, digital communication and media infrastructures play an increasingly salient role (see Jacquemet 2016). This section is about how Lucy engages with Google Translate, in the context of one of her interactions at the drop-in service. The focal interaction is not directly about asylum, but concerns an application for a residency card by Mahamadou, an Italian-speaking man. We have chosen this example as typical of the many instances where Lucy uses GT. We had the support of an Italian translator (a contact on the MA Translation and Interpreting programme at Leeds), and some of their comments inform the analysis.
8.2 Introducing the interaction
The interaction takes place on the first day of observing in the new City Mission centre, in the back of a large clothes and furniture charity shop. Present are Lucy and Jackie, a volunteer from Lucy’s parent organisation Asylum Hope, who is shadowing her today. Richard, one of the office workers from City Mission, is doing the job of taking down the names of the clients waiting to see Lucy, and noting the reasons for their visit. Martin and Judy from City Mission are also present.

Lucy, Jackie and Jolana are working with the clients today in a small office room: Lucy and Jackie sit next to each other behind the long side of the table, facing the door, and Jolana sits at the end. The clients’ chairs are opposite Lucy and Jackie, near the door.

One of Mahamadou’s expert languages is Italian: he asks at the outset ‘parli Italiano?’ He wants to make an application for documentation which will allow him to work in the UK, a work permit or a residence permit. The complication is that in making it he might run into problems because (it appears at first at least) he has been jobseeking in the UK for a long time. The episode is particularly interesting because Lucy reaches for the Google Translate app on her phone to help her with her interaction with Mahamadou.

The main phases of the interaction are:

1. At the beginning of the episode Lucy goes to get the next person from the queue, Mahamadou, who at the outset asks ‘parli Italiano?’ At some point before the audio recording begins, Lucy has taken out her mobile phone and opened the Google Translate app.
2. Lucy asks Mahamadou if he would like a registration card for the UK. Lucy uses GT on her mobile to help her establish what Mahamadou wants. Using GT she establishes that he would like to apply for a work permit.
3. Lucy explains to Mahamadou that he can make an application for a residence card but because he has been jobseeking for such a long time this might be problematic. This is translated using GT. Mahamadou explains that he has been back to Italy and has recently returned to the UK.
4. An aside: Judy interrupts Lucy to ask for advice about a different case.
5. Lucy leaves Jolana and Jackie alone with Mahamadou, as she goes to get the form for Judy. Jolana and Jackie attempt to communicate with Mahamadou, more or less successfully, but regret they don’t speak Italian.
6. On return, Lucy explains the list of evidence that she needs Mahamadou to bring in with the form next week. She does this using GT.
7. Mahamadou thanks Lucy – and there is a shift to phatic talk.
8. Mahamadou leaves, and Lucy and Jolana discuss GT.

The recording lasts 15:10 minutes.

8.3 Analysis
In the early part of Phase 2 of the interaction, Lucy uses GT to establish what Mahamadou needs her assistance with, which appears to be to apply for a work permit.

1. L: you want (.) a card?
2. M: (l’ ho fat) pa- passaport (I have a passport)
Lucy has taken out her phone and has opened the Google Translate app. The ‘card’ she refers to in (1) is a registration card for the UK. In (4), Mahamadou’s turn ‘si fai la carta si’ (do the card yes) is interrupted by the beep of Google Translate opening, and in (6) Lucy speaks into GT. Lucy has prepared for this in (3), and in (6) the change of footing (Goffman 1981) is evident: Lucy is no longer addressing Mahamadou but is talking to her phone, and uses a full sentence, spoken slowly and clearly, as she does so. GT translates in (7-8): ‘registration card’ appears as ‘scheda di registrazione’ (registration form). In (9), Mahamadou says ‘my like erm residente’, which Lucy (10) understands as ‘resident’. In (12) she tells him this is what she will write (‘ok perfect ok I will write’). Lucy’s ‘perfect’ in (12) appears to be echoed by Mahamadou in (15), when he says ‘perfect- long working per personato (perm)’. Our Italian translator notes that the end of this turn is neither Italian nor English, suggesting that Mahamadou is trying to create an English word. As the translator says: ‘As ‘personato’ is followed by ‘perm’ (per means for) I think he probably meant ‘permesso’ which means permit. He probably referred to a work permit.’ If so, it appears in (15) that Mahamadou is indeed asking for a work permit. This is the interpretation that Lucy appears to make (16), and the next part of the interaction (17-21) progresses smoothly on that basis.

Mahamadou’s ‘si’ (9), following Lucy’s addressing of GT in (6) and the subsequent GT-translated turn (7-8), is the pivot for this phase. Without GT, it is possible that the purpose of his visit to Lucy would have remained unclear for longer. However, GT has not translated entirely accurately, and it is not yet clear, even by the end of 7-8, that employment is a concern for Mahamadou. Lucy proceeds on the understanding that Mahamadou wants some kind of resident permit. In fact it appears she is abiding by the ‘let it pass’ rule (Firth 1996) to enable the consultation to proceed smoothly. That is, in 10, 12 and the back-channel ‘ok’ in 14 she is content to not understand entirely (and to not interrupt to ask for clarification) in the hope that comprehension will come, that Mahamadou’s concern will become apparent to her. Eventually in (15), when
Mahamadou says ‘working’, it becomes clear to her that it might be a work permit that he needs: (16) ‘you jobseeker’.

Throughout, Lucy’s talk is interspersed with the words that are characteristic of her advice: ‘perfect’, ‘no problem’, ‘lovely’, that are surely designed to make clients feel at ease and confident that she can support them.

A minute and a half later, in Phase 3, it appears that the ‘jobseeker’ category that Lucy has earlier identified might be problematic.

1. L: so I think it should be ok if he ( ) jobseeking from (two ten)
2. I’m not su::re (. ) jobseeker ( ) ((speaking to herself in low voice
3. – possibly reading through something)) ok so I will try and explain
4. for you ok you can ( ) (2.0) ((beep)) you can make an
5. application for a residence card in the UK but you have been
6. jobseeking here for a very long time and that can cause problems
7. GT: é possibile presentare una domanda di carta di soggiorno nel
8. Regno Unito ma se restate ricerca di (.) lavoro qui per un tempo
9. molto lungo e che possono causare problemi
10. <it is possible to make an application for a residence card in the UK
11. but if you keep jobseeking here for a very long time and that
12. can cause problems>
13. (beep))
14. L: ok?
15. M: no my my go back erm Italia
16. L: Ita- oh you go back?
17. M: yes you go back Italia I come back erm
18. L: aha:: ok a::h

Lucy, talking to herself in a low voice, expresses uncertainty about Mahamadou’s eligibility for residency (2-3). She talks to Mahamadou (4) ‘you can’, but then switches on GT again: there is a two-second pause and then a ‘beep’. Here we again detect a slight change of footing as she turns from Mahamadou to the phone and re-starts the sentence ‘you can make an application for a residence card in the UK but you have been jobseeking here for a very long time and that can cause problems’ (4-6). This is said clearly, deliberately and with conscious accuracy. GT translates this (7-9) as ‘é possibile presentare una domanda di carta di soggiorno nel Regno Unito ma se restate ricerca di (.) lavoro qui per un tempo molto lungo e che possono causare problemi’. The back-translation provided by our translator (10-12) reads: ‘it is possible to make (present) an application for a residence card in the UK but if you keep jobseeking here for a very long time and that can cause problems.’ Lucy checks that Mahamadou has understood by asking (in14) ‘ok?7.

The translator’s commentary on this part of the interaction notes that the GT translation presents a number of problems, especially in the second part of the sentence ‘which makes little sense and it is not internally coherent.’ For example in (8) the word ‘restate’ (you keep) is a verb conjugation for the second person plural. In formal contexts, and in a somewhat old-fashioned way, it can also refer to a person in the singular. However our translator suggests that in this context it refers to the second person plural and to
her ears sounds ‘odd and unnatural’. Her sense is that behind the translation error is the idea that the machine translation cannot distinguish between the different uses of *you*. That is, in Lucy’s turn between (4) and (6) she uses ‘*you*’ a number of times: ‘((beep)) *you can make an application for a residence card in the UK but you have been jobseeking here for a very long time and that can cause problems.*’ Her first use of *you* is the more general use (‘*you can make …’, cf ‘*one can make …*’). Her second use, in the same utterance, refers directly to Mahamadou in the second person singular: she is addressing him. Curiously it seems that what Google Translate has difficulty with is precisely Lucy’s shift (her translanguaging) between colloquial direct speech and a more neutral technical register. Lucy’s second ‘*you*’ is a key device for her to establish interpersonal engagement with her clients, but ‘*you*’ and its multiple functions is therefore a linguistic feature that seems to confuse Google Translate.

A second problematic phrase in the translation is ‘*e che possono causare problemi <and that can cause problems>*. In ‘*e che possono*’ (‘*and that can*’), ‘*can*’ is conjugated in the third person plural and ‘*che*’ (‘*that*’) refers to a plural subject. As the translator notes: ‘There is no plural subject to refer to in the phrase, therefore this segment sounds extremely odd (requires a lot of effort to work out the meaning) and it is not coherent with the rest of the translation.’ Lucy’s original is ‘*you have been jobseeking here for a very long time and that can cause problems*’. In this utterance ‘*you have been jobseeking here for a very long time*’ is the referent of ‘*that*’, and hence referential cohesion can be ascribed (Halliday and Hasan 1976).

To note, items which have the property of reference are described by Halliday and Hasan (1976: 31) as making reference to something else for their interpretation, rather than being interpreted semantically in their own right. In the example here, ‘*that*’ refers to ‘*you have been jobseeking here for a very long time*’: so the reference is anaphoric; that is *that* refers to preceding text. Reference is described by Halliday and Hasan as a semantic relation: ‘… one which holds between meanings rather than between linguistic forms. [It is] a direction for interpreting an element in terms of its environment’ (Halliday & Hasan 1976: 44). The referent is thus considered as a signal for meaning, pointing to the meaning which in this case (‘*you have been jobseeking here for a very long time*’) is already available. Yet in the translation, the meaning is not available: the translation back-translates as ‘*if you keep jobseeking here for a very long time*.’ The conditional clause (the *if* clause) does not lend itself to easy reference to ‘*that*’, thus leading to the lack of coherence noted by the translator.

A further issue within the same utterance is Lucy’s decision to use the phrase ‘*and that can cause problems*.’ There is a tendency amongst interlocutors when discussing difficult topics to avoid being precise about the difficulty: people use euphemism, vague language, circumlocution and other devices. Lawyers are no different. Indeed it is very typical of ‘legal language’ to refer to problems but to be vague about what those problems might be, who they might affect and afflict, and how. The choice made by Lucy here makes it completely unclear what she is intending, and this lack of clarity is no doubt compounded by the fact that her talk is mediated for Mahamadou via Google Translate.

Lucy though is unaware of these difficulties, and her ‘*ok?*’ in (14) rests on an assumption that her meaning is clear to Mahamadou. Mahamadou too, in his response, does not
appear to refer to the problematic parts of the second half of the sentence, but to ‘per un
tempo molto lungo’ (‘for a very long time’): his response is ‘no my my go back erm Italia’
(15). The remainder of this phase then focuses on clarifying the fact that Mahamadou
went back to Italy, and returned to the UK in May. 44 turns later, Lucy summarises her
eventual understanding:

1. L: ah so you ha- so a::h ok so you jobseeking from May
2. M: si si jobseeking si
3. L: easy
4. M: ok yeah
5. L: thank you very much
6. M: you’re welcome
7. L: that makes it very easy
8. M: ok ok (   )
9. L: lovely so the form is this one ((paper rustling)) ((L talking to
   herself)) (   ) it will be sixty-five pounds we can open
10. the door again now they were they were

This is now ‘easy’ (3); ‘that makes it very easy’ (7) and – again the reassurance ‘lovely’
(9). The form is identified, the cost is stated, and the drilling outside has stopped (‘we
can open the door again’).

8.4 Summary
As Jacquemet notes, migrants’ movement through asylum and migration processes are
greatly facilitated by the technologies that make information accessible to everyone
with a mobile phone, tablet, or Internet-connected computer:

Digitalization is altering the shape of communicative practices during the asylum
process, where focused, face-to-face interactions are now layered with
multifocal, multichanneled exchanges flowing through local and distant nodes. It
has produced an epochal transformation in the way asylum interactions are
managed and in the access to the knowledge infrastructure that supports asylum
seekers and asylum hearings. At the same time, digital communication
technologies are becoming the latest tool in the battle between, on one hand,
nation-states bent on undermining asylum claims and, on the other, refugees and
their advocates fighting for the right to asylum.

(Jacquemet 2016: 9)

An investigation on a micro scale of Lucy's mediated interaction with a client allows an
examination of the affordances of Google Translate, in enabling access to knowledge.
The tool (the mobile) and the app (GT) both support and constrain the interaction.
Having recourse to GT appears to enable Lucy to have a way in to the interaction: Lucy
and the client realise that communication is possible. Yet the constraints are clear,
insofar as the translation provided is not particularly accurate: miscommunication
ensues, and is only resolved – i.e. meaning is only made – through perseverance in face-
to-face, human-human interaction.
9. Conclusions

Our work in the Law phase of the TLang project in Leeds centred on Lucy and her interactions with her clients at the drop-in legal advice service for immigrants that she runs.

9.1 Summary and concluding comments

We began with a description of Lucy, also discussing her motives for doing the work she does, and going into detail about how she builds a case. We saw how she started her academic career as a music student, only later moving into Law, which she likens to music in its creativity. She was drawn to immigration law, first with a voluntary and then with a paid post in her organisation, which, as we described, is dedicated to providing free legal advice to asylum-seekers who do not have recourse to funds to fight their claims for refugee status.

We located Lucy and her work – and our data and its analysis – within the context of a very particular point in the social, historical and political life of the UK, as sketched out in Section 3. We covered the recent history of immigration, relating it to political and ideological pressures of globalisation and neo-liberalism. We attended to governmental attempts to control immigration and to both support and regulate asylum, which are the central concern of Lucy in her interactions with her clients.

Our discussion of methodology (Section 4) included a description of the settings where Lucy’s work took place, and in Section 5 we gave an overview of her clients. Our three analytical sections began in Section 6 with a focus on her communicative strategies in general. We noticed that characteristic of all her interactions with clients, Lucy engages in a process of matching and mapping: matching the information she has about a client to the relevant area of immigration law, and to the correct advice, and mapping a trajectory of action for that client onto an established pathway. To do this, she explains the procedure: we drew attention to how her procedural talk has much in common with narrative. Narratives are evident too in the personal stories which she elicits from her clients, which frequently emerge as the types of narrative known as small stories. To help clients, she explains complex legal terms in a strategically simplified English, which we describe in Section 6 as a type of intralingual translanguaging: translanguaging across registers. In Section 7 we looked at similar phenomena through an exploration of the notions of linguistic and epistemic flattening. Asymmetries between Lucy and her clients of course exist in terms of a knowledge imbalance. However, she strategically works towards flattening out those asymmetries, ensuring that her clients have access to knowledge. Our example involved support from a mediator who translated for the client. In Section 8 we saw how a newer literacy technology – Google Translate – supports Lucy and her clients in the meaning-making process.

Lucy’s interactions with clients take place in a contact zone (Pratt 1991), which we can also consider as a nexus, an emergent or possible translanguaging space where mobilities of different kinds are brought together. Ostensibly monolingual she might be, but Lucy’s consultations very definitely constitute a translanguaging space (Li Wei 2011; Lee 2015; Bradley & Simpson forthcoming). A translanguaging space, created both by and for translanguaging, supports the deployment of a broad communicative repertoire. The creativity which ensues in a translanguaging space, according to García & Li Wei, has ‘transformative power’ and ‘generates new identities values and practices’
(2014: 24). To this we can note that a translanguaging space is one where voices are valued, heard, and audible, regardless of the language, variety or mode of communication. In a translanguaging space the orientation is more towards the people and their concerns and less towards the languages, varieties and so on that they use.

Where translanguaging is enabled, where a full range of communicative resources are allowed, and where there is audibility, it becomes possible to resist social inequalities. Throughout our analysis we see the emergence of translanguaging spaces. In the course of their interactions with Lucy, clients as far as possible are able to make active use of their own voices. In her interactional stance and through the process of epistemic flattening Lucy enables clients’ access to knowledge. Her literacy practices – self-avowedly creative – support her clients, as she builds a case. She makes innovative use of translation including through new technology. Importantly she enables meaning-making through multiple modes: gesture, drawing and photography. In sum, Lucy’s work presents a challenge, at grass-roots level, to the dominant ideologies of monolingualism and inward-looking which circulate in the public sphere. We have shown in this report some of the multiple ways she makes accessible – through her communicative action – the difficult but powerful discourses of immigration law.

9.2 Implications and directions for future research
We noted early in our report that the data collection period straddled the 2016 Brexit referendum vote, a pivotal moment in British political history. Our data encompass interviews with Lucy where she talks about her anxieties before that event, and fieldnotes and audio recordings of interactions with her clients, all adult migrants, both before and after the vote. There is scope for deeper examination of these data – and the equivalent data across the four Law phase case studies in this project. We are particularly interested in further examining Lucy’s interactions with her clients with specific reference to the Brexit vote, to ascertain whether the quality and nature of the interactions changed before and after the vote, whether clients’ concerns adjusted in focus, and whether Lucy’s advice changed in response.
References


Appendices

1. Transcription conventions

For extracts of interviews:

(.) short pause
( ) untranscribable talk
*italics* emphasised word (e.g. it's *never* boring)
[...] omitted text

Some interview extracts have been edited and punctuated for readability.

For transcribed interactional data, unless indicated in the text:

(.) short pause
:: lengthened vowel sound
? rising question intonation
*<Italics>* Translated text <*in italics*>
(2.0) pauses noted in seconds
((beep)) non-linguistic sounds in double brackets
( ) untranscribable talk

We include the index reference for the data in this report, using conventions established across the TLang project. Hence:

*LeeAudLaw_20160602_JS_001* refers to an audio recording made during the Law phase in Leeds, the first made by James Simpson, 2 June 2016.

*LeeLawFn_20160505_JH_002* refers to a set of fieldnotes from the Leeds Law phase, the second taken by Jolana Hanusova, on 5 May 2016.
2. Summary of data

**Fieldnotes**
No. of sets 13
Total word count 53604

**Audio recordings**
No. of recordings 49
Total length 13:52:52
Average length 00:17:00

**Interviews**
No. of interviews 4
Total length 04:09:06
Average length 01:02:17
3. **Relevant Home Office regulations and forms, with links**
The Home Office forms and regulations which we refer to in this report, and which Lucy and her clients mention in their interactions, are listed here.

<table>
<thead>
<tr>
<th>Form/Registration</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indefinite Leave to Remain</td>
<td><a href="https://www.gov.uk/settle-in-the-uk">https://www.gov.uk/settle-in-the-uk</a></td>
</tr>
<tr>
<td>Family Visas Apply, Extend or Switch</td>
<td><a href="https://www.gov.uk/uk-family-visa/private-life">https://www.gov.uk/uk-family-visa/private-life</a></td>
</tr>
<tr>
<td>Visas and Immigration – list of visas</td>
<td><a href="https://www.gov.uk/browse/visas-immigration">https://www.gov.uk/browse/visas-immigration</a></td>
</tr>
<tr>
<td>UK Residence for EU Citizens</td>
<td><a href="https://www.gov.uk/eea-registration-certificate/permanent-residence">https://www.gov.uk/eea-registration-certificate/permanent-residence</a></td>
</tr>
</tbody>
</table>